

Ref. No. 27153.001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Application Serial No. 78/320,850

For the Mark ENYCE


Filed: October 30, 2003

----- X
L.C. LICENSING, INC.,
Opposer,
v.
CARY BERMAN,
Applicant.
----- X

Opposition No. 91/162,330

OPPOSER'S NOTICE OF FILING OPPOSER'S TRIAL TESTIMONY

Please take notice that Opposer is filing the attached Trial Testimony by Rolando Felix, the Co-Founder and Executive Vice President of the Opposer, in the form of the original


01-23-2007

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #

"Express Mail" Mailing Label Number

EV 606 063 124 US

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Commissioner for Trademarks, P.O. Box 1451, Alexandria, Virginia 22313-1451 on
January 23, 2007

(Date of Deposit)

Antoinette Jorge

(Print name)


(Signature)

transcript and Opposer's Exhibits A-CC and Applicant's Exhibit 1 thereto.

Dated: New York, New York

January 23, 2007

COWAN, LIEBOWITZ & LATMAN, P.C.
Attorneys for Opposer

By: 

Kieran G. Doyle
1133 Avenue of the Americas
New York, New York 10036
(212) 790-9200

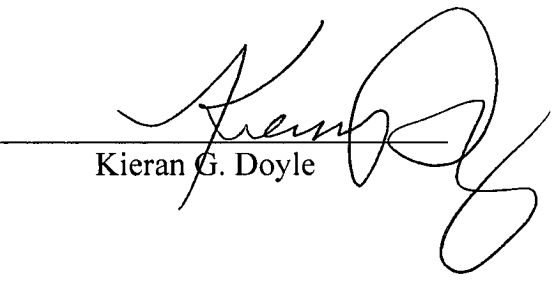
TO:

Cary Berman
1917 Lafayette Road
Gladwyne, PA 19305

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing OPPOSER'S NOTICE OF FILING OPPOSER'S TRIAL TESTIMONY to be served on January 23, 2007 upon Applicant by first class mail, postage prepaid to Applicant at the following address:

Cary Berman
1917 Lafayette Road
Gladwyne, PA 19305


Kieran G. Doyle

1 IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
2 BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

3 LC LICENSING, INC.,

4 Opposer,

5 -vs- Opposition No. 91/162,330

6 CARY BERMAN,

7 Applicant.

-----X  **ORIGINAL**

8
9
10
11
12 DEPOSITION OF ROLANDO FELIX

13 New York, New York

14 Tuesday, December 5, 2006

15
16
17
18
19 Reported by:

20 Angela M. Shaw, CSR, RPR

21 Job No. 9636
22
23
24
25

December 5, 2006

1:10 p.m.

DEPOSITION of ROLANDO FELIX, taken by
the Opposer, held at the offices of
Cowan Liebowitz, 1133 Avenue of the Americas,
New York, New York, before Angela M. Shaw,
a Certified Shorthand Reporter, Registered
Professional Reporter and Notary Public of
the State of New York.

A P P E A R A N C E S:

COWAN LIEBOWITZ & LATMAN

Attorneys for the Opposer
1133 Avenue of the Americas
New York, New York 10036

BY: KIERAN G. DOYLE, ESQ.
ARLANA S. COHEN, ESQ.

CARY BERMAN

Appearing Pro Se
1917 Lafayette Road
Gladwyne, Pennsylvania 19035

**

**

**

1
2 R O L A N D O F E L I X,

3 called as a witness, residing at 299 Pavonia
4 Avenue, Apartment 110, Jersey City, New Jersey 07302,
5 having been first duly sworn, was examined
6 and testified as follows:

7 EXAMINATION BY

8 MR. DOYLE:

9 Q. My name is Kieran Doyle. This is the
10 trial testimony of Rolando Felix, Opposer's witness,
11 in the Trademark Trial and Appeal Board proceeding,
12 captioned LC Licensing, Inc., v. Cary Berman,
13 Opposition No. 91/162,330.

14 I'm marking as Exhibit A, the Opposer's
15 notice of taking trial testimony, pursuant to which
16 we're appearing here today.

17 Mr. Berman, here's your copy.

18 (Exhibit A was received and marked for
19 identification, as of this date.)

20 BY MR. DOYLE:

21 Q. Good afternoon, Mr. Felix.

22 A. Good afternoon.

23 Q. I'm going to ask you a series of questions
24 today, which will be transcribed by the court
25 reporter. This is your testimony in connection with

1 R. FELIX - 12/5/06

2 the Trademark Trial and Appeal Board proceeding that
3 we just mentioned.

4 We'll need you to answer in an audible
5 manner. Please refrain from shaking your head or
6 nodding when I ask you questions. If there's any
7 question you don't understand, you need me to
8 repeat, please let me know.

9 If anyone in the room needs a break,
10 please let me know, and we can try to accommodate
11 those requests.

12 What is your name?

13 A. My name is Rolando Felix.

14 Q. Mr. Felix, where do you live?

15 A. I live at 299 Pavonia Avenue, Apartment
16 110, Jersey City, New Jersey 07302.

17 Q. And what's your date of birth?

18 A. My date of birth is June 4, 1971.

19 Q. Are you currently employed?

20 A. I'm currently employed.

21 Q. Where?

22 A. At Enyce, LLC.

23 Q. Would you spell that for us?

24 A. Yes. That's E-N-Y-C-E.

25 Q. Thank you. What's your title?

1 R. FELIX - 12/5/06

2 A. I am cofounder and executive vice
3 president.

4 Q. How long have you been in that position?

5 A. I've been in that position since 2002.

6 Q. How long have yo u been with Enyce?

7 A. Since it started in 1996, April 1996.

8 Q. Is Enyce, LLC, an entity that's related to
9 Liz Claiborne?

10 A. Yes. It was acquired Liz Claiborne in
11 2003.

12 MR. BERMAN: Objection. The witness did
13 not say it was Enyce, LLC. You've stated it's
14 Enyce, LLC. Can we get some clarification
15 there, please?

16 BY MR. DOYLE:

17 Q. Prior to your position with Enyce, LLC,
18 where were you employed?

19 A. Prior to Enyce --

20 Q. Strike that.

21 Prior to Liz Claiborne owning Enyce, LLC,
22 was Enyce, LLC, affiliated with another entity?

23 A. Yes. Enyce, LLC, was owned by Fila USA.

24 Q. What was your position during the years in
25 which Fila owned the company?

1 R. FELIX - 12/5/06

2 A. I started as -- I was still a cofounder,
3 and I was vice president of design and production
4 for Enyce and eventually became executive vice
5 president over the course of time.

6 Q. During the Fila years, what were your
7 responsibilities?

8 A. During the first seven years of the
9 company, I oversaw all the aspects of the design and
10 production of the product line for Enyce.

11 Q. Were you involved in the establishing and
12 founding of the brand?

13 A. Yes.

14 Q. Since its inception?

15 A. Yes. I was there since its inception.

16 Q. Were you involved on a day-to-day basis,
17 overseeing all aspects of the design and production?

18 A. Yes. I was overseeing all the design
19 aspects of the design and production.

20 Q. And tell me again for during what period
21 was Enyce affiliated with Fila?

22 A. Between April 1996 to December 2003.

23 Q. Prior to your employment with Enyce, where
24 were you employed?

25 A. I was employed by MA Corporation, which is

1 R. FELIX - 12/5/06

2 a corporation under International News, the original
3 parent company of Mecca USA.

4 Q. What was your position at MA Corporation?

5 A. I was a head designer for Mecca USA.

6 Q. Were you the cofounder of Mecca USA?

7 A. Yes. I was one of the cofounders.

8 Q. What were your responsibilities?

9 A. I oversaw the design development of the
10 Mecca product line.

11 Q. Did you help establish the Mecca USA
12 brand?

13 A. Yes, I did.

14 Q. You were involved with Mecca USA since its
15 inception?

16 A. Yes.

17 Q. How long were you with Mecca USA or MA
18 Corporation?

19 A. July 1994 to March of 1996.

20 Q. Prior to your position with MA
21 Corporation, Mecca USA, where were you employed?

22 A. I was a designer for a company called
23 Wreck Jeans and another company called Dilo. It was
24 same company; they had two labels.

25 Q. What was your position at Wreck

R. FELIX - 12/5/06

Jeans/Dilo?

A. I was head designer.

Q. What were your responsibilities?

A. I oversaw the development of the product -- of the apparel line for Wreck Jeans and Dilo.

Q. How long were you with Wreck Jeans and Dilo?

A. I was there from 1993 to 1994.

Q. And prior to your time with Wreck Jeans and Dilo, where were you employed?

A. I was a graphic designer and salesperson for a company called Fresh Threadz. Threadz with a Z.

Q. And during what period was that?

A. That was between 1992 and 1993.

Q. What were your responsibilities there?

A. I was a salesperson and I also did graphic design and I was assistant designer.

Q. Retail sales?

A. No. On wholesale sales.

Q. Okay. And prior to your work with Fresh Threadz, where were you employed?

A. I worked for Canal Jean Company as a men's

1 R. FELIX - 12/5/06

2 wear buyer and also a -- I was a merchandiser for
3 the private label, Canal Jean private label.

4 Q. What does a men's wear buyer do?

5 A. A men's wear buyer shops all the wholesale
6 clothing companies and all the different brands and
7 labels and buys it for the store to turn around and
8 sell it to retail for customers.

9 Q. Canal Jean was a retail chain?

10 A. Canal Jean was a retail chain, and it also
11 had a private label division, which they're also a
12 manufacturer of clothes. So they're both a
13 wholesaler and a retailer.

14 Q. What does a merchandiser do?

15 A. A merchandiser designs what type of
16 products to be made, and is involved with working
17 with the design team on choosing which products to
18 design and have made.

19 Q. And these products that you were deciding
20 upon, were they for the private label?

21 A. Yes, they were. For the private label,
22 yes. I was helping decide which products were going
23 to be made with the Canal Jean label.

24 Q. And that was in your merchandise --

25 A. That was in my merchandise

1 R. FELIX - 12/5/06

2 responsibilities. As a men's wear buyer, I was
3 shopping other wholesale companies to bring into the
4 store to turn around and sell retail as well. I was
5 doing both.

6 Q. And prior to working with -- how long were
7 you with Canal Jeans?

8 A. Between 1992 and 1993.

9 Q. Okay. Canal Jeans.

10 A. Canal Jeans. I'm backtracking a bit. I'm
11 sorry. That was 1991 to 1992, I worked at Canal
12 Jeans.

13 Q. And where did you work before working at
14 Canal Jean?

15 A. I worked for a retail company called Zebra
16 Club in Seattle between 1987 and 1991.

17 Q. And what did you do there?

18 A. Zebra Club was the retail division of a
19 clothing -- of a bigger clothing company called
20 International News. And I started out as a stockboy
21 and worked my way up to become a salesperson and
22 eventually became store manager for two of their
23 three stores at the time.

24 Q. During what period of time was that?

25 A. Between 1987 and 1991.

1 R. FELIX - 12/5/06

2 Q. How old were you when you started working
3 there?

4 A. Let's see. That was October '87, so 16.

5 Q. And by what age were you a manager?

6 A. Eighteen.

7 Q. You were managing how many stores when you
8 were 18?

9 A. One store when I was 18. By the time I
10 was leaving, I was managing two stores, at the age
11 of -- yeah, in -- 19, yeah. I was managing two
12 stores by the age of 19.

13 Q. How many years have you worked in clothing
14 fashion?

15 A. Since October 1987 to the present. So
16 it's over -- just short of --

17 Q. Can you just summarize for me your
18 experience within the clothing fashion industry?

19 A. To summarize, I can -- I pride myself on
20 being able to say that I've done almost every step
21 between concept to closet.

22 I've been on the design side, where I've
23 helped conceive the product; I've been through
24 patternmaking to sample making to being that person
25 that actually sells it to the retail buyer; I've

1 R. FELIX - 12/5/06

2 been that buyer that's bought it; and I've been that
3 merchandiser that's put it on the retail floor; and
4 I've also been that stockboy that's brought that
5 product up to the floor; and I've been that salesboy
6 that has helped sell it.

7 So there's -- pretty much from the whole
8 concept of design through wholesale to retail,
9 there's not much that I haven't done in that
10 whole -- in that whole process.

11 Q. That's over a period of about 19 years?

12 A. Yes.

13 Q. Could you describe your educational
14 background, please?

15 A. Yes. I graduated high school in 1989 in
16 Seattle, and I attended Parsons from the -- let's
17 see here. I attended Parsons for one year from 1990
18 to 1991.

19 Q. Did you graduate from Parsons?

20 A. No, I did not graduate from Parsons School
21 of Design.

22 Q. Did you leave to pursue employment?

23 A. Yes, I left to pursue employment full-time
24 with Canal Jean.

25 Q. Tell me about your current

1 R. FELIX - 12/5/06

2 responsibilities with Enyce.

3 A. I'm still -- I'm an executive there, so
4 I'm kept abreast of all the overall -- of the
5 overall direction of the company.

6 My day-to-day now is focussing on the
7 marketing, so I focus on the brand imaging,
8 protecting of the brands, and making sure our
9 outside identity marries up to the product as well.

10 Q. So you have day-to-day responsibilities
11 over marketing?

12 A. Yes.

13 Q. Day-to-day responsibilities over
14 advertising?

15 A. Yes.

16 Q. Have you had day-to-day responsibilities
17 over product development?

18 A. Between 1996 to 2002, I oversaw the design
19 and production.

20 Q. And what's your role in the product
21 development process now, since 2002?

22 A. On a day-to-day, I just kind of watch from
23 afar. I can give my input, but I don't manage it on
24 a day-to-day basis now.

25 Q. Are you consulted on major decisions?

1 R. FELIX - 12/5/06

2 A. I'm consulted on major decisions.

3 Q. Are you familiar with the sales generated,
4 by any chance?

5 A. Yes, I'm familiar.

6 Q. In what capacity?

7 A. I don't -- it's not my --

8 Q. Is it in your role as an executive and
9 cofounder of the company?

10 A. Yes. I'm kept abreast of the numbers, and
11 we have weekly meetings about where we're tracking
12 and how we're doing saleswise. But it's not my
13 official day-to-day responsibility.

14 Q. Do all the products for which you have
15 responsibility and all the marketing efforts and all
16 the advertising efforts for which you have
17 responsibility include the Enyce mark?

18 A. Yes.

19 Q. Are you familiar with the origins of the
20 trademark Enyce?

21 A. Yes, I am familiar with the origins of
22 Enyce, the trademark of Enyce.

23 Q. Tell me about that.

24 A. When we started -- let's see. Where do I
25 start?

1 R. FELIX - 12/5/06

2 In 1996, we started a venture with Fila
3 USA company. It was two of my partners, Evan Davis
4 and Tony Shellman. We left our company, Mecca -- we
5 left the company we used to work for, Mecca USA, to
6 start a new brand, a new venture with Fila USA.

7 We started development in April 1996 for
8 the spring 1997 collection. We were developing
9 production without any names. We were coming up
10 with ideas of what names that we could come up with.
11 And initial trademark searches had kept on coming
12 up, oh, that's taken or this one is taken. We had
13 gone through probably, say, about two or three names
14 that we were trying to trademark.

15 The president of Fila USA at the time had
16 suggested that "perhaps, you should make up
17 something. Why don't you make up some type of
18 sequence of word? Why don't you make up a word,
19 because then it will probably have a higher chance
20 of being open."

21 So with that process, we came up with
22 the -- we came up with the series of letters,
23 E-N-Y-C-E. We took inspiration from where we were,
24 New York City, and we added the Es on either end.
25 And when I brought it -- I had actually come up with

1 R. FELIX - 12/5/06

2 the first time that E-N-Y-C-E was put together.

3 And to me, my interpretation was that it
4 was the phonetic spelling of NYC. When I presented
5 it to my other partners, the first person had said
6 when I asked him, "What did this say --

7 Q. You showed him the sequence of letters?

8 A. When I went and showed him the sequence of
9 letters that was E-N-Y-C-E, he had pronounced it
10 E-nice, like E --

11 Q. Dash?

12 A. -- dash, N-I-C-E. That's how he
13 pronounced it, E-nice. My other partner, when I
14 asked him separately, he had pronounced it Enyce,
15 like U-H, dash, N-E-E-S-E. He pronounced it sort of
16 in a French type of pronunciation.

17 We were working with the Fila people at
18 the time and the -- Alberto Verde (phonetic) being
19 Italian, when I asked him, he had pronounced it
20 Enyce as in A, dash, N-E-E, dash, C-H-A-Y, in kind
21 of an Italian pronunciation.

22 Q. And just to be clear, when you had
23 first -- when this mark was first considered, before
24 it was shown to others to see how they would
25 pronounce it, you said it was the phonetic

1 R. FELIX - 12/5/06

2 equivalent to N-Y-C.

3 So is it accurate to say that would be
4 E-N, space, Y, space, C-E?

5 A. Yes. That is how I looked at it. I
6 looked at it as the phonetic spelling of N-Y-C, as
7 in E-N, hyphen, Y, hyphen, C-E. I thought it was a
8 sure shot. It's representative of New York City.

9 But when I presented it to the other
10 partners, we had heard three different other
11 pronunciations. And we thought that that was
12 actually a good thing. We thought it meant
13 something different to different people.

14 And we thought as long as people are
15 talking about it, we thought that that would be
16 great for the branding, because it sounded exotic.
17 And as long as people are talking about it, we
18 thought it would be a success.

19 Q. Why not just choose a word that already
20 existed? Was this something you did in order to
21 create your own identity?

22 A. We had originally tried to go that route,
23 by trying to take actual words from the dictionary.
24 And we had -- the words that appealed to us happened
25 to be taken. And by actually coining the term, it

1 R. FELIX - 12/5/06

2 cleared and --

3 Q. Did it give you an opportunity to create
4 an identity on a fresh slate?

5 A. Yes.

6 Q. During what period of time did was the
7 selection process taking place?

8 A. It was between April '96 and August '96.

9 Q. Have you been involved with this mark and
10 this brand ever since then?

11 A. Yes, I have.

12 Q. When was the mark first used?

13 A. When we started showing accounts, we
14 presented our apparel collection to the industry as
15 early as April, April or September 1996. And it
16 actually --

17 Q. April or September? Or August?

18 A. I'm sorry. Yes, August. August or
19 September 1996. And it actually hit retail floors
20 spring of 1997.

21 Q. When you were showing this at trade shows
22 and such in August '96, on what goods was the mark
23 placed?

24 A. It was placed on men's knits, men's
25 graphic T-shirts, men's cotton woven bottoms, men's

1 R. FELIX - 12/5/06

2 jackets, windbreakers, outerwear, men's sweat suits,
3 and assortment of sportswear all across the board,
4 men's woven shirts, knits, men's sweat jackets.

5 Q. Since 1996, have the labels and hangtags
6 for the Enyce products featured the mark "Enyce"?

7 A. Yes. Yes, the labels and hangtags have
8 always said "Enyce" and/or the double-E interlocking
9 logo.

10 Q. I'm going to show you Exhibits B, what
11 I've marked as Opposer's Exhibit B through E. Each
12 is one page, and each page features several
13 depictions of what appear to be hangtags.

14 MR. BERMAN: This is B through what?

15 MR. DOYLE: E.

16 (A discussion was held off the record.)

17 MR. DOYLE: Excuse me. These should be
18 Exhibits B through F.

19 (Exhibits B through F were received and
20 marked for identification, as of this date.)

21 BY MR. DOYLE:

22 Q. Again, each exhibit is one page, and each
23 page features several depictions of what appear to
24 be hangtags.

25 Mr. Felix, would you take a look at those.

1 R. FELIX - 12/5/06

2 A. Yes. These are hangtags from our product
3 line. This is a pocket flasher.

4 Q. I'm sorry. What you're pointing to is?

5 A. On B, this is a pocket flasher, which we
6 stick in the pocket of a pant, back pocket.

7 Q. That's the large brown item that says "R
8 No. 96312" on one side, and then it says "Enyce
9 Denim" on the other?

10 A. Yes.

11 Q. Okay.

12 A. These are all hangtags. These are found
13 hanging off the product. There's also examples on
14 Example C, the ticket that has a bar code and a XXL
15 on it, and it also has our corporate trademark.

16 Q. That's the interlocking Es, along with the
17 word "Enyce"?

18 A. Yes.

19 Q. Okay.

20 A. That's what we call a UPC ticket. I think
21 there's another example. There's more examples of
22 UPC tickets on Exhibit E, all the tickets with bar
23 codes. And there's another version of our corporate
24 trademark as well.

25 Every garment has a UPC ticket as well as

1 R. FELIX - 12/5/06

2 our official corporate trademark. You'll see that
3 every hangtag has different artwork, but each
4 hangtag and/or pocket flasher has Enyce, the word
5 "Enyce" on it.

6 Q. And so we have -- tell me again, the bar
7 code items are called what?

8 A. UPC tickets.

9 Q. So an article of clothing will have a UPC
10 ticket, a hangtag, and will also have a label
11 inside?

12 A. Yes.

13 Q. And will the labels inside the garment
14 also feature the word -- mark "Enyce"?

15 A. Yes.

16 Q. Are these goods sold nationally?

17 A. They're sold -- yes, they're sold
18 nationally, and they're sold worldwide throughout
19 Europe as well as Japan and parts of Asia.

20 Q. And the Enyce mark has been in use ever
21 since 1996?

22 A. Yes. There's also the last exhibit of
23 that, I think on Exhibit F, it is also a new -- this
24 is also a new corporate logo for our Enyce Junior's
25 brand that's just gone into -- we've just started

1 R. FELIX - 12/5/06

2 using that as of last year.

3 Q. The script design of the word "Enyce"?

4 A. Yes. That's two interlocking smaller Es.
5 So it's a version that we've also presented.

6 Q. Has the company applied to register the
7 mark "Enyce"?

8 A. Yes, it has.

9 Q. I'm going to hand you what I'm marking as
10 Opposer's Exhibit G, H, and I.

11 (Exhibits G, H, and I were received and
12 marked for identification, as of this date.)

13 BY MR. DOYLE:

14 Q. And I'm going to hand Mr. Berman a copy of
15 those very same exhibits. That's G, H, and I.

16 And I'll ask you, are these copies of the
17 federal trademark registrations that resulted from
18 those applications? Ask you to please take a look
19 at them.

20 A. (Witness complies.)

21 Yes, they're trademark registrations for
22 Lady Enyce and Enyce.

23 Q. Where are Enyce goods sold?

24 A. Enyce --

25 Q. Where have they been sold?

1 R. FELIX - 12/5/06

2 A. Where have they been sold? Enyce has been
3 sold in better specialty stores throughout America
4 and major department stores throughout America as
5 well as major specialty stores across Europe.

6 The last time I checked, we're in over 13
7 countries. In Europe, we have over 13 different
8 sales reps in different countries in Europe. And
9 we're also sold throughout better specialty stores
10 in Japan and some department stores in Japan.

11 Q. When you first started off, did you go
12 right into department stores?

13 A. No, we didn't. We've been in department
14 stores, probably in the last -- we've been in
15 department stores since probably about -- no.

16 We've been in department stores since our
17 first season, but it's been a small part of our
18 business. It has just recently grown in the past,
19 let's say, four to five years.

20 Q. Originally, you started off in specialty
21 shops?

22 A. Originally, we started in specialty shops.
23 We had started in better key department stores.
24 We've been in Bloomingdale's. We've been in
25 Nordstrom's.

1 R. FELIX - 12/5/06

2 It's kind of shifted now. We're more
3 in -- we're in over 400 Federated doors, which is
4 pretty much Macy's nationwide. Four hundred
5 department stores nationwide, which includes Macy's,
6 Dillard's, and then the Saks Company owns Parisian.

7 And those 400 doors comprise of about
8 25 percent of our distribution in the U.S. We're in
9 about 1900 to 2,000 doors across America.

10 Q. What does that mean "doors"?

11 A. Doors are individual points of
12 distribution. We probably have an account -- I'd
13 say -- I'd estimate that our account base is about
14 500 accounts. And when you look at all the
15 individual points of distribution, it's close to
16 902,000 points of distribution.

17 Q. So just on average, each of your 500
18 accounts, then, would have approximately four
19 separated stores, coming to the figure of about
20 2,000 --

21 A. Yeah, with basic math.

22 Q. -- separate points of distribution?
23 That's what you're referring to as "doors"?

24 A. Yes.

25 Q. Are Enyce products sold in malls

1 R. FELIX - 12/5/06

2 throughout America?

3 A. We are distributed in every major mall
4 throughout America.

5 Q. And how many doors per mall would you
6 estimate?

7 A. My estimate is that there's one department
8 store and probably at least one to two specialty
9 stores in each of those major malls. So, on
10 average, two to three points of distribution in
11 every major mall.

12 Q. Across America?

13 A. Across America.

14 Q. How long has that been the case?

15 A. At least since 2000.

16 Q. Could you tell us where Enyce has offices?

17 A. Enyce has offices in New York City, Los
18 Angeles, Atlanta, Chicago. We have offices in
19 Canada. We have offices in Hong Kong. We have
20 offices in Germany.

21 And we have 13 satellite offices
22 throughout Europe, which cover England, Paris,
23 Spain, Italy. Wow. There's Holland. And there's
24 eight other European --

25 Q. Are you in Japan? Do you have offices in

1 R. FELIX - 12/5/06

2 Japan?

3 A. We have -- no, we don't have offices in
4 Japan. We have a production office in Hong Kong.

5 Q. Have your companies advertised goods
6 bearing the Enyce mark? Has Enyce advertised goods
7 bearing the Enyce mark?

8 A. Sorry?

9 Q. Have you run advertisements promoting
10 goods bearing the Enyce mark?

11 A. Yes, we have, yes.

12 Q. Nationally?

13 A. Nationally, since 1997.

14 Q. And is that your responsibility within the
15 company, to oversee that advertising effort?

16 A. It has been my responsibility since 2002.

17 Q. In what media have you advertised the
18 mark?

19 A. We have advertised in print media. We
20 have advertised in outdoor media, such as billboards
21 or advertised on transit, such as buses, the sides
22 of buses. We've also done limited radio buys as
23 well. And we've done -- yeah, outdoor billboards
24 and national magazines, print campaigns.

25 MR. DOYLE: I'm going to mark as Exhibit

1 R. FELIX - 12/5/06

2 J, a document which is captioned "Enyce
3 Spring/Summer 2006 Media Plan."

4 (Exhibit J was received and marked for
5 identification, as of this date.)

6 MR. DOYLE: Mr. Berman, there's your copy.

7 BY MR. DOYLE:

8 Q. Mr. Felix, I'll ask you to take a look at
9 that.

10 A. (Witness complies.)

11 Q. Could you tell us what that is?

12 A. Yes. This is a summary for the first six
13 months of 2006. These are the advertisements that
14 we ran. The titles running along the left side of
15 the column are the national publications that we ran
16 an ad. And, of course, the months are actually from
17 March to July -- March, April, May, June, July.
18 These are the months in which we ran ads.

19 Each of the -- for the images that are
20 horizontal or in a landscape format, those are
21 representative of a two-page ad that we ran in each
22 of those magazines. For the -- actually, the
23 only -- there's only two vertical ones, which are
24 representative of the single-page ad.

25 And that was one for Our Kids -- Kids in

1 R. FELIX - 12/5/06

2 May, and then one also in Source for June.

3 Q. Is this representative of the scope of
4 advertising that Enyce generally undertakes?

5 A. Yes, yes.

6 Q. For how long have you been placing
7 advertisements on this scale?

8 A. On this scale, I would say that, at least
9 since 2000, we've been placing a media buy of this
10 size.

11 Q. And prior to that, what size media buy
12 would you be placing?

13 A. Prior to that, it would have been not as
14 many magazines, but it would have been still the
15 major publications such as VIBE, which has close to
16 a million circulation. The Source magazine would
17 have still been -- Source magazine, XXL, VIBE would
18 have been the three major magazines that we
19 advertise in.

20 And then other magazines such as DUB,
21 we've been running -- well, VIBE, Source, and XXL,
22 we've been running pretty much since the inception
23 of the brand. XXL came a little bit later because
24 it was founded later.

25 Q. Do you decide in what magazines your

1 R. FELIX - 12/5/06

2 advertisements are placed?

3 A. Yes, I make the final decisions on that.

4 Q. You evaluate what the content of that
5 magazine is in making that decision?

6 A. We make our -- for the major publications,
7 we make that decision annually. Occasionally, there
8 are opportunities when we're approached, and we get
9 opportunities. And, sometimes, if we can afford it
10 and we think it's a good fit, then we continue --
11 and we jump on that opportunity.

12 Q. In, yet, a different magazine, someone who
13 you might not have otherwise had a relationship
14 with?

15 A. Yes. And we get -- we're approached on a
16 monthly basis for other opportunities as well.

17 Q. Are these all nationally distributed
18 magazines?

19 A. These are -- let's see here. Yes, these
20 are nationally distributed magazines. College
21 Bound, the very last ad, it's not a newsstand
22 magazine; it's actually targeted towards high
23 schools, juniors and seniors. And it's specific to
24 subscription and to certain schools.

25 Q. It's a niche publication?

1 R. FELIX - 12/5/06

2 A. Yes. Yes.

3 Q. Are there any magazines in which you've
4 advertised that aren't on this list?

5 A. Nothing of great circulation. There might
6 have been an occasional -- something smaller.
7 Nothing on a regular basis, I would say.

8 Q. Have you ever advertised in teenVOGUE?

9 A. Yes, we have advertised in teenVOGUE.

10 Q. For how long a period did you advertise in
11 teenVOGUE?

12 A. It would be occasional.

13 Q. Sporadic?

14 A. It would be sporadic. They're definitely
15 a regular on our 2007 plans, because ELLEgirl, their
16 direct competitor, the number-two competitor in that
17 same market towards teen girls, has recently folded,
18 last summer.

19 So we'll be putting all the money that we
20 would have spent with ELLEgirl to teenVOGUE.

21 Q. Are there any other magazines in which you
22 intend to advertise in 2007 that aren't on this
23 list?

24 A. That aren't on this list. For 2007, we
25 are considering FHM Magazine, FHMUS. And we are

1 R. FELIX - 12/5/06

2 also considering King magazine as well, which is --

3 Q. I'm going to ask you to go through each of
4 those magazines and please tell me how long you've
5 been advertising with them, whether you've been
6 advertising regularly with them, and what the
7 circulation of that magazine is, and what the -- and
8 also what the theme of the magazine is.

9 A. Okay.

10 Q. And if you need me to repeat any of the
11 criteria, please let me know as you go along.

12 A. Okay. The major publications are VIBE
13 magazine, Source magazine, XXL magazine. VIBE
14 magazine is a -- all three of those magazines, VIBE,
15 XXL and Source, are all music magazines. They also
16 cater towards the urban lifestyle.

17 VIBE magazine is currently the largest
18 circulation out of those three publications. VIBE
19 focuses more on R&B, which is rhythm and blues,
20 urban music and hip-hop music, but they also feature
21 fashion, and they also cover more about the urban
22 lifestyle.

23 Their circulation is just under a million,
24 and they're large enough to be -- they also acquired
25 Spin several years ago, which is another big

1 R. FELIX - 12/5/06

2 magazine. I think the only other larger music
3 magazine in America that's ABC-certified is Rolling
4 Stone.

5 The Source and XXL are magazines that are
6 similar, they cater towards the urban lifestyle.
7 They target that urban consumer, and they are more
8 focussed on hip-hop versus R&B music. And I believe
9 they're both neck and neck as far as circulation,
10 but they're at least -- the numbers always come up
11 every year.

12 I could definitely estimate that they're
13 over a half million per month circulation.

14 Q. And they're nationally distributed?

15 A. They're nationally distributed. Well,
16 actually -- yeah.

17 Q. These are three magazines with which you
18 have been advertising, more or less, since the
19 beginning?

20 A. Since we started shipping product, which
21 is in 1997. We've been advertising with Source and
22 VIBE since 1997. I believe XXL was founded in 1999.
23 So once they started, we started advertising with
24 them. Let's see here.

25 Q. Vixen, could you tell us about Vixen?

1 R. FELIX - 12/5/06

2 A. Vixen is a spinoff publication from the
3 VIBE people, and it is catering towards the female
4 consumer. They just -- they're a
5 quarterly-published magazine, and they just finished
6 their first full year of four issues. And we
7 support them, and we're going forward with them in a
8 big way.

9 Q. What's the national distribution?

10 A. It's smaller than VIBE. We don't have
11 those numbers as of now. I don't think they're --

12 Q. Are they nationally distributed?

13 A. Yes, they're nationally distributed.

14 Q. The numbers that you gave for VIBE, is
15 that circulation, or does that take into
16 consideration pass-through readers?

17 A. No.

18 Q. Are those terms with which you're familiar
19 with?

20 A. Yeah. That's -- those are just total
21 issues, so that's a combination of newsstand as well
22 as subscription.

23 Q. What does the term "pass-through readers"
24 mean?

25 A. Meaning that the copy or issue can be

1 R. FELIX - 12/5/06

2 actually seen by more than one person. It can
3 actually pass down or you could pass it to someone
4 else.

5 Q. Is there some customary multiple that you
6 consider in determining how many folks might
7 actually view the magazine as opposed to how many
8 individual magazines are distributed?

9 A. There's certain bureaus. The ABC is
10 probably the most recognized one. It's one of
11 those -- not all magazines are ABC-credited, but
12 VIBE is.

13 Q. And do you know what their pass-through
14 figures -- the multiple is?

15 A. I don't know.

16 Q. Do you know if it's at least a multiple of
17 two?

18 A. I don't know. I don't know.

19 Q. Okay. Tell us, please, about ELLEgirl.

20 A. ELLEgirl is a magazine that was -- it was
21 actually the number-two magazine in the teen female
22 demographic. It was second to teenVOGUE, and it is
23 a magazine that we featured Enyce product, mostly
24 our Enyce Junior's product line.

25 Q. Is that nationally distributed?

1 R. FELIX - 12/5/06

2 A. It's a nationally distributed magazine.

3 Q. How about Complex?

4 A. Complex is a men's lifestyle magazine. It
5 talks about the latest and greatest in fashion, the
6 must-have gadgets and accessories, time piece,
7 jewelry. General style magazine for men. It could
8 talk about the newest cars, anything that's pretty
9 much of interest to males in their -- 20-something
10 males.

11 Q. Is it an urban culture magazine?

12 A. It's an urban culture magazine. It's
13 actually founded by one of our competitors of Enyce.
14 His name is Marc Ecko. It's a publication that he
15 started, I believe, in 2002 or 2003.

16 Q. Okay. And we've discussed XXL and The
17 Source?

18 A. Yes.

19 Q. For the reporter's purposes, XXL is X-X-L?

20 A. Yes.

21 Q. How about Elemental?

22 A. Let's see here. Elemental, and I would
23 even say Fader, they're more of what we call -- we
24 classify as our downtown magazines. They're more of
25 the -- for the hipster crowd. They're covering, I

1 R. FELIX - 12/5/06

2 guess, subgenres of underground hip-hop culture.

3 And Fader covers more of the subcultures
4 for the consumer that's really into music or really
5 into hip-hop, per se. They have smaller
6 circulations, but they are the magazines to be in as
7 far as getting credibility.

8 Q. Do you know where the title "Fader" comes
9 from?

10 A. "Fader" actually is a reference to a
11 piece -- it's to a mixing board, which is the
12 crossfader, which is a piece of AV equipment used
13 for mixing when you're going back and forth between
14 turntables. So it was --

15 Q. Studio mixing or DJ/club mixing?

16 A. DJ mixing and club mixing. The original
17 issues of Fader was primarily based about DJ
18 culture, which is one of the major elements of
19 hip-hop culture. And it eventually blossomed into
20 becoming more of a music-oriented magazine.

21 Q. That's a direct reference to the equipment
22 that is used in connection with the hip-hop music
23 industry?

24 A. Yes. The hip-hop music industry as well
25 as culture.

1 R. FELIX - 12/5/06

2 Q. What about DUB? Tell us about DUB.

3 A. DUB magazine is an automotive lifestyle
4 magazine. I guess it differs from the other
5 automotive magazines in that it covers more
6 lifestyle.

7 A lot of the magazines, when we're
8 choosing our Enyce media buy, we believe we're a
9 lifestyle brand, and we try to affiliate ourselves
10 with magazines that are in that similar genre.
11 That's why when we look at VIBE, per se, they cover
12 urban culture. Yes, they may be categorized as a
13 music magazine, but they cover fashion, they cover
14 lots of different elements for urban lifestyle.

15 Same with DUB. They may cover primarily
16 the car culture or the aftermarket scene with
17 automobiles, but they also cover the entire
18 lifestyle. And if that's relating to music, if
19 that's relating to the car show scene, it's kind of
20 in the same way that Elemental or Fader covers more
21 underground hip-hop.

22 DUB goes more into car culture, and -- so
23 car culture and car lifestyle is completely
24 integrated in hip-hop lifestyle and hip-hop culture
25 and urban culture. And we see ourselves as a

1 R. FELIX - 12/5/06

2 clothing brand, where we focus on clothing, per se,
3 but we're also looking to expand our brand into
4 urban culture.

5 Q. The underpinnings of your brand were
6 founded in urban culture; is that right?

7 A. Yes.

8 Q. DUB, you referred to it as an automotive
9 lifestyle magazine. Is it general automotive
10 lifestyle, or does it focus on the urban culture?

11 A. It's not as general as a Road & Track or
12 an AutoWeek, per se. It focuses more on the
13 aftermarket scene for people that want to improve
14 their cars or people that are into exotic cars.

15 Actually, it focuses on the fashion part
16 of the automotive world, whether it's accessorizing
17 your cars with the latest accessories, such as the
18 rims or the tires or whether it's performance parts
19 for your engine, whether it's accessories, various
20 accessories.

21 It could be anything for the interior. It
22 could be enhancing your car -- your car's
23 audio/video system.

24 And, you know, the people that are
25 involved, the people that are into that, are a cross

1 R. FELIX - 12/5/06

2 section, but I would say that a lot of people that
3 are also interested urban culture are also
4 interested in the automotive lifestyle as well.

5 Q. Based on the advertisements you've seen in
6 DUB magazine, would you say that the advertisers are
7 offering what you might describe as urban culture
8 products?

9 A. I'm sorry?

10 Q. Based on the advertisements you've seen in
11 DUB magazine, would you say that the advertisers are
12 offering items that appeal within urban culture?

13 A. Yes, yes. We see our direct competitors
14 of Enyce also advertising in DUB magazine. We also
15 find companies that are selling other things such as
16 accessories. And in many cases, you might actually
17 find people that are doing both fashion as well as
18 car accessories too.

19 It runs pretty much the whole gamut, from
20 jewelry to time pieces to the automotive accessories
21 as well.

22 Q. The title DUB, do you know where that
23 comes from?

24 A. DUB is a term referring to the wheels.
25 You know, in my days, we called them just rims. But

1 R. FELIX - 12/5/06

2 now they're called "dubs." I believe dubs are any
3 wheel that is at least 20 inches in diameter or
4 larger.

5 Q. So it's an aftermarket embellishment on a
6 vehicle?

7 A. It's a slang term for wheels. And usually
8 wheels that size, I mean, are usually aftermarket.

9 Q. Take a look at the next page, the second
10 page of Exhibit J.

11 A. (Witness complies.)

12 Q. Could you tell us about that?

13 A. These are examples -- this is our
14 outdoor -- this is Enyce's outdoor media buy that we
15 ran for spring/summer 2006. Each of these images
16 are representative of a much larger billboard. The
17 first one is located on 125th Street in Harlem in
18 New York City. It runs 12 months out of the year,
19 and will be running 12 months out of the year for
20 2007 as well.

21 The next one is on Houston Street in New
22 York City, in downtown New York City. That ran
23 earlier this spring. And we also ran this billboard
24 here on Sunset Boulevard in Los Angeles, California.
25 That ran during the springtime.

1 R. FELIX - 12/5/06

2 And the last one is Houston, Texas, which
3 also ran -- that ran also in the spring/summer
4 months as well. We run the ones in Los Angeles and
5 Houston because of this culture that we're talking
6 about, Los Angeles, the awards season, the GRAMMYs,
7 Oscars.

8 A lot of the tastemakers are in Los
9 Angeles during that time. So we feel it's -- we've
10 always tried to influence those that influence
11 others. So these same people are in this town.
12 That's why we advertise there.

13 And Houston is because NBA All-Star
14 Weekend in 2006 was -- that's where it occurred.
15 And, again, this lifestyle which -- this hip-hop
16 urban lifestyle obviously transcends. And just as
17 it goes into the automotive world, it also goes into
18 the athletic world.

19 And when you flip through the pages of DUB
20 magazine, you'll see many NBA athletes and athletes
21 also featuring their vehicles, too, so it's
22 completely interrelated, this world, this urban
23 style.

24 Q. I'm going to ask you to take a look at
25 what I'm marking as Opposer's Exhibit K.

1 R. FELIX - 12/5/06

2 (Exhibit K was received and marked for
3 identification, as of this date.)

4 BY MR. DOYLE:

5 Q. It's a multipage Exhibit, some of which --
6 some of the pages are foldout pages.

7 A. Okay.

8 Q. I'm handing Exhibit K to Mr. Berman.
9 Take a look and I'll ask you some
10 questions.

11 A. Okay.

12 (Witness complies.)

13 Q. Is the first page of Exhibit K a copy of
14 the cover of Elemental Magazine?

15 A. Yes, it is.

16 Q. And it says, "His Last Interview Proof,
17 Busta Rhymes, Leader of the True School"?

18 A. Yes.

19 Q. Is there Enyce advertisements in this
20 magazine?

21 A. Yes, those pages are.

22 Q. When you refer to "those pages," you're
23 referring to the pages marked as Bates-labeled
24 EN000039 and EN000040?

25 A. Yes. That's the photocopy of the two-page

1 R. FELIX - 12/5/06

2 spread that we took out in that copy of Elemental.
3 The next page, the LRG advertisement, it's a direct
4 competitor of Enyce that also advertised in that
5 issue.

6 The next page is an advertisement for
7 Tribal gear, which is another competitor of Enyce.
8 The next two pages look like an advertisement from
9 Scifen, S-C-I-F-E-N, which is another competitor and
10 it -- yeah, of Enyce.

11 Q. Is Akomplice, A-K-O-M-P-L-I-C-E, a
12 competitor of Enyce?

13 A. No. Akomplice is a hip-hop artist, music
14 artist.

15 Q. Is Dr. Jays a clothing retailer?

16 A. Dr. Jays is a clothing retailer, and they
17 are also an online clothing retailer.

18 MR. DOYLE: I'm going to mark as Exhibit
19 L, a seven-page document. It starts with Bates
20 No. EN000173 to EN000179. I'll give Mr. Berman
21 a copy of this.

22 (Exhibit L was received and marked for
23 identification, as of this date.)

24 BY MR. DOYLE:

25 Q. I'm going to ask you to identify what this

1 R. FELIX - 12/5/06

2 document is, please.

3 MR. BERMAN: This is L?

4 MR. DOYLE: Yes, it's L.

5 A. These are the advertisements between 2003
6 and 2005 that we advertised specifically in DUB
7 magazine. The cover is representative of which
8 issue, and then the image below is representative of
9 the ad that we took out.

10 BY MR. DOYLE:

11 Q. Okay.

12 MR. DOYLE: I'm now going to mark as
13 Exhibit M, a document which features on its
14 first page DUB magazine, dated June/July 2006.

15 (Exhibit M was received and marked for
16 identification, as of this date.)

17 BY MR. DOYLE:

18 Q. Would you please take a look at that.

19 A. (Witness complies.)

20 Q. I'll give Mr. Berman his copy as well.

21 That's M.

22 Could you tell us what this document is?

23 A. Yes. The first page is the cover of DUB
24 magazine. It's June/July 2006, and the next page is
25 the two-page advertisement that we took out for

1 R. FELIX - 12/5/06

2 Enyce.

3 Q. Going back to Exhibit L for a moment,
4 could you please tell me if you recognize the people
5 on the cover of each of these DUB magazines and who
6 they are?

7 A. Okay. For Exhibit L, that's Sugar Shame
8 Mosley. He is a boxer.

9 Q. That's on the first page?

10 A. That's on the cover of DUB magazine. And
11 let's see here.

12 Second page is the spring 2003 issue, No.
13 17, which features Westside Connection. It's a
14 hip-hop group out of Los Angeles. That's the cover
15 of that ad.

16 Issue No. 19, summer 2004, on the next
17 page, features Nigo. Nigo is actually a urban
18 fashion designer from Tokyo, Japan. He started a
19 brand called Bathing Ape and Billionaire Boys Club.
20 They are a direct competitor to Enyce. And it looks
21 like it's the Rolls-Royce that he owns on the cover
22 of DUB.

23 The next page is Issue 26, summer 2005.
24 And this is Shawn Marion and Quentin Richardson.
25 They are athletes, NBA athletes, sitting next to

1 R. FELIX - 12/5/06

2 their cars as well.

3 And Issue 27 on the next page, summer
4 2005, features a model, Vida Guerra, G-U-E-R-R-A,
5 and she's a pinup girl, model.

6 And the next page is Issue 28, fall 2005.
7 It features Nick Cannon. He's an actor.

8 And the last page, Issue 30, winter 2005,
9 features the rock group Green Day and their cars as
10 well.

11 Q. And on Exhibit M, who is on the cover of
12 DUB?

13 A. That is Busta Rhymes, platinum-selling
14 hip-hop artist.

15 MR. DOYLE: And I'm going to mark now as
16 Exhibit N, a copy of -- oh, well, an exhibit,
17 the first page of which is the cover of DUB
18 magazine, dated August/September 2006. Here's
19 Mr. Berman's copy of Exhibit N.

20 (Exhibit N was received and marked for
21 identification, as of this date.)

22 BY MR. DOYLE:

23 Q. Who is that on the cover?

24 A. That is hip-hop legend Darryl McDaniels,
25 also known as DMC from the group Run DMC.

1 R. FELIX - 12/5/06

2 Q. What are the next pages of that exhibit?

3 A. The next page of this is the two-page
4 advertisement we took out for fall 2006 for Enyce.

5 Q. And that appears in DUB magazine?

6 A. Yes.

7 MR. DOYLE: I'm going to mark as Exhibit
8 O, another exhibit that the first page of which
9 appears to be the cover of DUB magazine, dated
10 March 2006. I'll give Mr. Berman his copy of
11 Exhibit O.

12 (Exhibit O was received and marked for
13 identification, as of this date.)

14 BY MR. DOYLE:

15 Q. And who is that on the cover?

16 A. This is Ludacris. He is an Atlanta-based
17 hip-hop artist, music artist, and his crew DTP,
18 known as Disturbing the Peace.

19 Q. And inside, on the following pages of that
20 exhibit, could you tell us what that is?

21 A. Yes. One is a two-page advertisement that
22 we took out for Enyce for spring 2006. And the
23 other page is actually editorial from the magazine.
24 It's from DUB magazine itself. It's their fashion
25 editorial, and they actually covered Enyce clothing

R. FELIX - 12/5/06

in the fashion editorial.

Q. Okay.

MR. DOYLE: I'm going to mark as Exhibit P, an exhibit that the first page of which appears to be Complex magazine from February/March. I'll give Mr. Berman his copy.

(Exhibit P was received and marked for identification, as of this date.)

MR. BERMAN: Is this O or P?

MR. DOYLE: P.

BY MR. DOYLE:

Q. Could you tell us what that is?

A. Yes. This is the cover of Complex for February/March 2006, featuring Naomi Campbell, super model.

Q. And what are the additional pages of that?

A. The other page is the two-page advertisement that we took out in Complex magazine for Enyce.

MR. DOYLE: I'm going to now mark as Exhibit Q, a copy of what appears to be VIBE Vixen magazine, dated spring 2006, with additional pages. I'll give Mr. Berman his copy.

1 R. FELIX - 12/5/06

2 (Exhibit Q was received and marked for
3 identification, as of this date.)

4 BY MR. DOYLE:

5 Q. Could you tell me what that exhibit is?

6 A. Yes. It's the cover of VIBE Vixen for
7 spring 2006, quarterly issue. It features Kimora
8 Lee Simmons. She is actually the head of a direct
9 competitor of Enyce's -- she heads up the company
10 Baby Phat, which produces urban women's clothing.

11 And the inside is the two-page spread that
12 we took out in VIBE Vixen for Enyce.

13 MR. DOYLE: I'm going to mark as Exhibit
14 R, a one-page document, Bates-numbered
15 EN000396. Mr. Berman, here is your copy.
16 That's R.

17 (Exhibit R was received and marked for
18 identification, as of this date.)

19 BY MR. DOYLE:

20 Q. Could you tell me what that is?

21 A. Yes. This is an advertisement for Enyce
22 from holiday 2005. It's a two-page spread.

23 Q. Do you know where that ad ran?

24 A. Offhand, I don't know. But, I mean, if I
25 estimated, it would be VIBE magazine or Source or

1 R. FELIX - 12/5/06

2 XXL.

3 Q. It was a magazine ad, a print ad?

4 A. Yes.

5 Q. And it definitely ran?

6 A. It definitely ran during that season.

7 Which magazine, right now I'm not specific on.

8 Q. Was it a national ad campaign?

9 A. Yes.

10 MR. DOYLE: I'm marking as Exhibit S, a
11 one-page document that features Bates No.
12 EN000335.

13 (Exhibit S was received and marked for
14 identification, as of this date.)

15 BY MR. DOYLE:

16 Q. Could you tell me what that is?

17 A. Yes. This is a publication put out by
18 NASCAR. It's Urban Youth Racing School. NASCAR has
19 created an initiative to start getting urban youth
20 interested in NASCAR.

21 NASCAR has been a racing phenomenon that's
22 kind of taken the nation by storm. What started out
23 in rural America has taken over America worldwide.
24 And they're trying to get urban youth involved into
25 the sport.

1 R. FELIX - 12/5/06

2 And they actually approached Enyce to see
3 if we're interested in advertising. And they looked
4 to us as being one of those authentic brands in the
5 urban lifestyle. And when we saw that it was to
6 promote youth and get them educated on racing, we
7 thought it was a great idea. So we took out six
8 pages.

9 Q. You took out six pages' worth of
10 advertising --

11 A. Yes.

12 Q. -- in this magazine?

13 A. Yes.

14 Q. They approached you?

15 A. Yes. The people at NASCAR approached us.

16 Q. Tell me about your radio advertising.

17 A. Radio advertising, we limit it to local
18 areas, and it's usually event-driven. If there's
19 a -- if there's some type of retail promotion or
20 event -- some type of event promotion, then we
21 usually run radio advertising around there.

22 In the past, we've participated with some
23 of the -- what they call the Summer Jams, which are
24 like summer hip-hop concerts. We've promoted those
25 in cities such as New York and Los Angeles on a

1 R. FELIX - 12/5/06

2 regular basis.

3 We've also -- if we have a retail in-store
4 where we may do an autograph signing with a
5 celebrity at a specific store, we may run radio ads
6 in that particular city for that event. We've also
7 run radio ads for contests such as the car giveaway
8 in Atlanta that we did last year for Macy's South.

9 And the one regular thing we've been doing
10 for the past -- for several years right now, since
11 at least 2003, we've been working with an account in
12 Philadelphia called City Blue, down on Chestnut
13 Street. And we give him an allowance of \$30,000
14 annually, and he spends it quarterly, 7500 a quarter
15 to purchase radio ads to promote Enyce at his retail
16 store in the Philadelphia area.

17 Q. Where do you run bus ads?

18 A. Bus ads, primarily in New York City. We
19 run them seasonally. We have also expanded the
20 program to the Chicago metropolitan area as well as
21 Atlanta.

22 Q. Have you had an advertising budget every
23 year since 1996?

24 A. Since 1997 when I started retail, yes.

25 Q. Do you know, on average, how much you've

1 R. FELIX - 12/5/06

2 spent per year on advertising?

3 A. On average, yes. When we were just first
4 starting in 1997, our marketing budget was about
5 \$900,000, of which we devoted \$500,000 just for
6 advertising. It's increased as our volume has
7 increased.

8 And in the later years, dating from 2000
9 on, it's averaged anywhere from 4 to 5 percent. Our
10 marketing budget has averaged about 4 to 5 percent
11 of our sales for that particular year. And our
12 advertising has averaged, I would say -- I would
13 estimate about 40 percent of that.

14 Q. Of that marketing budget?

15 A. Of that marketing budget.

16 Q. Could you estimate how much you've spent
17 on marketing since 2007?

18 A. On marketing since 2007, yes. I would say
19 that we've spent -- we have spent in excess to
20 \$13 million since 1997 to now.

21 Q. How much of that would you say went to
22 advertising, per se?

23 A. I believe that is the number.

24 Q. For advertising?

25 A. Yes.

1 R. FELIX - 12/5/06

2 Q. That's an advertising number?

3 A. Yes.

4 Q. And the marketing number would be
5 something more than double that?

6 A. Yes.

7 Q. Okay. Does Enyce have a Web site?

8 A. Yes, it does.

9 Q. What are the domain names that Enyce owns
10 that link to that Web site?

11 A. Www.enyce.com and www.ladyenyce.com.

12 Q. What's the purpose of this Web site?

13 A. The purpose is -- it's promotional
14 purposes to promote the brand Enyce.

15 Q. How long has that site been active?

16 A. It has been active since 2002.

17 Q. And was there a period of time prior to
18 that when it had been active?

19 A. It had been inactive between 2000 and
20 2001, and it was up sporadically in 1999. Prior to
21 that, we didn't really have an online presence.

22 Q. Okay. Just so I understand. In 1999, you
23 launched a Web site, and how long did that stay
24 active?

25 A. It was sporadic for anywhere from three to

1 R. FELIX - 12/5/06

2 six months.

3 Q. Okay.

4 A. We actually had a corporate site as well
5 as E-commerce in 1999. And then our E-commerce
6 partner went out of business, and we miserably
7 failed, and we were dormant between the years 2000
8 and 2001.

9 And from 2002 to the present, we have
10 produced our own corporate site, marketing site,
11 with no E-commerce. For 2007, we plan to relaunch
12 E-commerce for Enyce.

13 Q. Does this site always feature the Enyce
14 mark permanently?

15 A. Yes, the Enyce trademark is prominently
16 featured.

17 Q. And it always promotes Enyce goods?

18 A. Yes, it does.

19 Q. Do people register on this site?

20 A. We have an area where a user can register.

21 Q. And how many registered users are there?

22 A. Currently, our database consists of about
23 115,000.

24 Q. And have you ever tracked how many
25 visitors you get within a given month?

1 R. FELIX - 12/5/06

2 A. Yes, we have.

3 Q. And what numbers have you seen there?

4 A. We have seen our traffic as high as 80,000
5 unique users in a given month. It's usually tied
6 into when we're doing a promotion. Currently, it's
7 probably not that high, but we've seen traffic as
8 high as 80,000.

9 Q. Does the content of your site change from
10 time to time?

11 A. It changes on a -- at least a six-month
12 basis.

13 Q. Does the content generally parallel your
14 present ad campaigns?

15 A. Yes, it does.

16 Q. Does your Web site promote contests?

17 A. Yes, it does.

18 Q. Could you tell us some of those?

19 A. We've had promotions and giveaways. We've
20 done collaborations with different magazines where
21 we've done trivia contests and the winner has
22 received gift packs, whether it's an Enyce knapsack
23 filled with promotional items and T-shirts and
24 goodies like that.

25 We've also had Enyce giveaways or Enyce

1 R. FELIX - 12/5/06

2 contests to win customized Enyce iPod MP3 players.
3 We've also -- during that short stint in 1999, we
4 also had an a sweepstakes where the winner won a
5 trip to Las Vegas and had the opportunity to see
6 what Enyce does at a trade show.

7 Q. What trade show was that?

8 A. That's the MAGIC trade show in Las Vegas.

9 (Exhibit T was received and marked for
10 identification, as of this date.)

11 BY MR. DOYLE:

12 Q. I'm going to show you what has been marked
13 as Opposer's Exhibit T. It's a multipage document.
14 Give Mr. Berman his copy.

15 Could you tell me what that is?

16 A. Yes. These are screen shots from
17 enyce.com. And it is a -- let's see. The pages --
18 I guess -- the first page is our home page, and then
19 the first ten pages feature a quote from Enyce
20 staff, past and present, as well as images from
21 advertising campaigns over the course of years from
22 1997 to the present.

23 The 11th page shows pictures from our
24 tenth anniversary event that we held in New York
25 City. And Pages 12 through, I guess, 23 is a

1 R. FELIX - 12/5/06

2 section that features the fall holiday -- that
3 features products that we sold during the fall
4 holiday 2006 season. It shows our advertising
5 campaign as well as the product.

6 Q. We talked briefly about contests a moment
7 ago.

8 Has the company promoted its Enyce mark
9 through contests?

10 A. Yes, it has.

11 Q. Give me some examples again, please.

12 A. We've done iPod giveaways online. We've
13 done trivia contests online.

14 Q. Were those iPods decorated with the Enyce
15 mark?

16 A. Yes, we put our corporate logo, and we
17 customized -- we put a customized paint job on the
18 iPods as well as our corporate logo, our corporate
19 trademark, on the iPods.

20 Q. How many did you give away?

21 A. Gave away six.

22 Q. And you mentioned you had a contest where
23 the winner would go to the MAGIC trade show in Las
24 Vegas?

25 A. Yes. We did an enyce.com sweepstakes

1 R. FELIX - 12/5/06

2 where the winner won a flight to Las Vegas and had
3 the opportunity to see what we do at an apparel
4 trade show.

5 Q. What other shows have you offered people
6 tickets to?

7 A. We've done modeling contests in
8 conjunction with The Tyra Banks Show during Los
9 Angeles Fashion Week, where the winner won an
10 opportunity to get the opportunity to be an actual
11 model in one of our runway fashion shows.

12 We do in-store contests, retail giveaways.
13 We've given away product during in-store events as
14 well as -- we've done concert ticket giveaways with
15 retailers where we'll tie in where customers can go
16 into our stores and be part of raffles or drawings
17 where we give away concert tickets.

18 Q. Earlier, you mentioned a car giveaway
19 contest in connection with Macy's South, I believe
20 it was?

21 A. Yes.

22 Q. Could you tell us about that?

23 A. Yes. For our tenth anniversary, we got
24 involved with Macy's South down in Atlanta. And we
25 customized an -- I believe it's a 1973 Chevrolet

1 R. FELIX - 12/5/06

2 Impala. We worked with hip-hop --
3 multiplatinum-selling hip-hop artist T.I. He has a
4 car automotive shop down there, and they customized
5 a classic Chevrolet Impala with our Enyce trademark.

6 We customized the paint job of the car,
7 and we also put our ten-year anniversary logo
8 embroidered on the headrests. And for a couple
9 weeks, people had a chance to put their name in for
10 a drawing, and we did -- the winner actually got a
11 chance to meet T.I., and T.I. actually passed the
12 keys off to the lucky winner in Atlanta.

13 (Exhibit U was received and marked for
14 identification, as of this date.)

15 BY MR. DOYLE:

16 Q. I'm handing you now what's been marked as
17 Exhibit U. It says across the top, "Enter for a
18 chance to win."

19 MR. DOYLE: Mr. Berman, here's your copy.

20 BY MR. DOYLE:

21 Q. Could you tell us what that is?

22 A. Yes. It's the poster that you would see
23 during this event -- during this Macy's promotion,
24 had you walked in there, explaining basically the
25 drawing and the opportunity to win this car.

1 R. FELIX - 12/5/06

2 MR. DOYLE: And what I'm marking here is
3 Exhibit V.

4 (Exhibit V was received and marked for
5 identification, as of this date.)

6 A. That's artwork of the signage that was
7 actually above the car that was on display.

8 MR. DOYLE: Here's Mr. Berman's copy.

9 BY MR. DOYLE:

10 Q. Was that a banner?

11 A. It's a banner. In big bold letters, it
12 says "Win This Ride!" getting people interested
13 about the car. And it also shows our Enyce
14 trademark, the special version we did with the
15 ten-year anniversary. That was also on the
16 headrests of the car.

17 Q. Was the word "Enyce" part of that ten-year
18 anniversary logo?

19 A. Yes. In script letters, it was there.

20 Q. And that mark, the "Enyce" word mark,
21 appeared on the headrest, you said?

22 A. Yes.

23 MR. DOYLE: I'm marking as Exhibit W, a
24 document that's Bates-numbered EN000342.

25 There's your copy, Mr. Berman.

1 R. FELIX - 12/5/06

2 (Exhibit W was received and marked for
3 identification, as of this date.)

4 BY MR. DOYLE:

5 Q. Could you please identify that?

6 A. Yes. That's a detail of the car, to show
7 the detail of the customized paint job. In the
8 diamond shapes, you'll see the interlocking Es,
9 which is our trademarked logo for Enyce. And you'll
10 also see the interlocking lowercase Es, which is our
11 other trademark logo that we market the Enyce
12 Junior's brand with.

13 MR. DOYLE: Exhibit X, I'm marking.

14 That's Bates-labeled EN000341.

15 Mr. Berman, here's your copy.

16 (Exhibit X was received and marked for
17 identification, as of this date.)

18 BY MR. DOYLE:

19 Q. Could you identify what that's a picture
20 of?

21 A. Yes. That's a picture of the sign along
22 with the car and the big profile of the car that was
23 the prize for the sweepstakes.

24 Q. Where was this on display?

25 A. This was on display right outside of the

R. FELIX - 12/5/06

mall entrance at Lenox Mall in Atlanta at the Macy's that we held the contest at.

Q. Is that a major mall?

A. Lenox Mall is probably the most popular mall in Atlanta.

Q. And above the car, that's the banner ad that had been depicted in Exhibit V?

A. Yes, it is.

Q. And that says "Win This Enyce Ride!"?

A. Yes.

Q. And then to the left of that is the ten-year anniversary logo, which says "10 year anniversary." Then it says '96 to '06 with the --

A. Classic Enyce.

Q. -- words "Classic Enyce" below that?

A. Yes.

MR. DOYLE: And Exhibit Y, which I'm marking right now is Bates-numbered EN000338.

Mr. Berman, here's your copy.

(Exhibit Y was received and marked for identification, as of this date.)

BY MR. DOYLE:

Q. Could you tell us what that's a picture of?

1 R. FELIX - 12/5/06

2 A. Yes. That's a picture of the lucky winner
3 that actually won the car, along with the sign that
4 was in Macy's, as well as him sitting in the car.

5 Q. That's the contest winner right there?

6 A. Yes.

7 Q. And Exhibit Z is Bates-labeled EN000339.

8 (Exhibit Z was received and marked for
9 identification, as of this date.)

10 BY MR. DOYLE:

11 Q. Could you take a look at that, please?

12 A. (Witness complies.)

13 MR. DOYLE: Mr. Berman, here's your copy.

14 BY MR. DOYLE:

15 Q. Could you tell us what's depicted in that
16 picture?

17 A. That is a picture of the rapper, a music
18 artist, T.I.

19 Q. And tell us again what we had to do with
20 this car.

21 A. He owns an auto shop in Atlanta where they
22 customize cars. They'll take classic cars, and
23 they'll customize the car with -- whether it's paint
24 jobs or audio/video systems or new rims, they'll
25 customize. And they customized the car to make it

1 R. FELIX - 12/5/06

2 the Enyce Special Edition car.

3 Q. And he has a business that customizes cars
4 generally, not just for you for?

5 A. Yeah. He has his business aside from
6 Enyce. It has nothing to do with Enyce, but we did
7 a collaboration with him.

8 Q. What's his name again?

9 A. His stage name is T.I.

10 Q. Okay. What was the thinking behind this
11 contest?

12 Well, first, let me ask: Were you
13 involved in the creation of this contest?

14 A. Yes, I was.

15 Q. And what was the thinking behind it?

16 A. The thinking behind it, Macy's wanted to
17 have some type of promotion to generate business in
18 February, and they wanted to give away roses during
19 Valentine's Day. And we thought that that had
20 nothing, really, to do with our consumers' lifestyle
21 and culture. And they asked us to come up with some
22 ideas.

23 And when we, you know, talked to our
24 contacts in the urban and hip-hop world, we got in
25 contact with T.I., and T.I. is interested in

1 R. FELIX - 12/5/06

2 automobiles, which is pretty common in this world.

3 Q. What world is that?

4 A. Where the hip-hop music world interrelates
5 with the fashion world, interrelates with the
6 automotive world. And we put together a
7 collaboration where his auto company, his
8 customization company customized a car for Enyce's
9 behalf.

10 And that's directly relevant to our
11 consumers' lifestyle. Nice cars, nice fashion,
12 urban lifestyle -- all three of them go together and
13 are interrelated.

14 Q. Was this a successful contest?

15 A. Yes, it was very successful.

16 Q. Have you ever done any other -- or can you
17 think of any other car-related contests related to
18 the Enyce mark?

19 A. Contests? Well, I mean --

20 Q. Or any promotional -- car-related
21 promotions?

22 A. There have been -- like car
23 collaborations? Or are we saying, like -- I'm --

24 Q. Well, let's start with contests.

25 A. Okay. With contests. Yeah. I'm guessing

1 R. FELIX - 12/5/06

2 we're not the first person to give away a car.

3 Q. No. I mean -- let me clarify.

4 Contests in which Enyce may have been
5 involved with magazines or with other companies that
6 related to cars or car shows or anything of that
7 sort.

8 A. Okay. What we've done -- any car contests
9 in the --

10 Q. Well, contests that relate to -- have you
11 ever done contests that related to folks being sent
12 to car shows?

13 A. We've done that with DUB magazine where
14 we've done ticket giveaways to the DUB car show.

15 Q. And how many tickets did you give away
16 through your --

17 A. I would say a dozen.

18 Q. Was that done to promote the Enyce mark?

19 A. Yes.

20 Q. Does Enyce sponsor events or
21 organizations?

22 A. Yes.

23 Q. Do you have a budget for that?

24 A. Yes, we do.

25 Q. What's that budget?

1 R. FELIX - 12/5/06

2 A. It averages. I mean, the -- I'd say that
3 that budget is around a hundred to possibly a
4 125,000 annually.

5 Q. Can you give some examples of events or
6 groups that you sponsor?

7 A. Yes. We've sponsored a lot of things. We
8 may sponsor -- it may be a nightclub promotion where
9 we'll sponsor a party in conjunction with a
10 nightclub or a promoter. Or we may sponsor -- we've
11 sponsored baseball teams in Harlem where -- we're
12 involved with Harlem RBI, where we sponsor community
13 service projects.

14 We also sponsor -- we sponsor event-driven
15 projects which happen throughout the year. A lot of
16 the -- let's see. Sponsorships -- we sponsor
17 concert tours. We sponsor -- we've sponsored auto
18 show tours. We've also sponsored -- it's -- we've
19 gone --

20 Q. When you sponsor an event or an
21 organization, is the Enyce mark promoted at those
22 events?

23 A. Yes.

24 Q. By those organizations?

25 A. Yes.

1 R. FELIX - 12/5/06

2 Q. Tell me about the auto show tours that you
3 sponsored?

4 A. It's been more of, like, ticket giveaways
5 where we've -- DUB will approach us, and as an
6 advertiser, they'll give us opportunities to get
7 involved with whatever they're doing.

8 And since DUB promotes an auto show tour,
9 as an advertiser, they'll often give us some
10 tickets. And we'll turn around and pass those to
11 retailers to give those as giveaways.

12 Q. Connected with your mark?

13 A. Connected with our mark.

14 Q. How many times has that happened?

15 A. It's happened occasionally.

16 Q. You mentioned that the Enyce mark was
17 first used on clothing. Has that mark also been
18 used on sneakers?

19 A. Yes, it has.

20 Q. Shoes?

21 A. Yes, it has.

22 Q. Scarfs?

23 A. Scarfs. Yes, we've produced scarfs.

24 Q. Key rings?

25 A. Yes, we've produced key rings.

R. FELIX - 12/5/06

Q. Umbrellas?

A. Umbrellas, we've done umbrellas.

Q. Action figures?

A. Action figures, we've done action figures.

Q. Luggage tags?

A. Luggage tags, yes.

Q. Cuff links?

A. Cuff links, we'd made cuff links.

Q. Flight bags?

A. Yes, we've made flight bags.

Q. Blankets?

A. We've made travel blankets, yes.

Q. Beach towels?

A. We've made beach towels, yes.

Q. Sleep masks?

A. Yes, we've made the eye masks for --
travel eye masks. We've done a whole travel theme
where we have a travel bag, travel blanket, neck
pillow, eye masks.

Q. All of which bear the Enyce mark?

A. Yes.

Q. Can you tell me what your approximate
total sales have been of Enyce products since 1997?

A. Since 1997?

R. FELIX - 12/5/06

Q. Well, including 1997 and onward.

A. In excess of over \$600 million.

Q. And would you say that the Enyce mark is famous?

A. Yes.

Q. What makes you say that?

A. You could pretty much go into any major mall across America and find Enyce products. You could turn your TV on and watch almost -- if you're watching an hourlong show of hip-hop or urban music videos, you'll, at least, see us a couple of times. You'll see our logo a couple of times.

You'll see our brands in TV shows. You'll see our brands -- you'll see the Enyce mark in movies. You'll see we're in close to 2,000 points of distribution in America alone. You'll find our product available throughout Europe, throughout Japan, throughout the U.S.

Q. You mentioned movies. What movies?

A. Movies such as Austin Powers. Movies --

Q. The marketing chain was featured?

A. You'll find our actual products.

Q. Can you describe the mark, like in Austin Powers?

R. FELIX - 12/5/06

A. Yes. Yes.

Q. What other movies?

A. Movies such as The Fast and the Furious.

The first two movies of that series, you'll find our products being worn by characters in the movie.

Q. Is the product mentioned in the movie?

A. Not verbally mentioned but worn.

Q. But the mark is discernible?

A. Yes, the mark is discernible.

Q. Tell me, with what brands does Enyce compete most directly.

A. Our major direct competitors would be Rocawear, would be Phat Farm, Ecko, FUBU, Mecca, Akademiks, Sean John.

Q. Ecko, is that Marc Ecko?

A. Yes, yes.

Q. You mentioned Phat Farm. How is that spelled?

A. P-H-A-T, F-A-R-M.

Q. Is that a misspelling, the word "Phat"?

A. It's a slang spelling.

Q. Is that common in merchandising of urban gear?

A. Oh, I would say that urban has its own

1 R. FELIX - 12/5/06

2 slang, and it's not uncommon to use slang in urban
3 culture.

4 Q. You mentioned Mecca. Was that the Mecca
5 which you were affiliated when you were with Fila?

6 A. Yes. Prior to Fila days, yes.

7 Q. Oh, that was prior to Fila days?

8 A. Yes.

9 Q. Were you involved in the selection of the
10 Mecca mark?

11 A. With the selection of the mark, yes.

12 Q. Can you explain that process?

13 A. Once again, inspired by urban culture. We
14 felt that urban culture spawns from hip-hop culture
15 and hip-hop culture spawns from New York City. And
16 we've always looked at "mecca" as the affectionate
17 term of Uptown, which is -- mecca is the -- and we
18 have always looked at Uptown, South Bronx, and
19 Harlem as the mecca of hip-hop.

20 That's where hip-hop culture started, so
21 we've coined the phrase "mecca." Mecca USA is
22 actually, you know, based in New York City.

23 MR. DOYLE: Off the record.

24 (A discussion was held off the record.)

25 BY MR. DOYLE:

R. FELIX - 12/5/06

Q. On what goods has the Mecca mark been used?

A. The Mecca mark has been used on many things as well, as -- from shirts, knits, knit tops, woven tops, outerwear pieces, jeans, cotton and woven bottoms, dress pants, dress shirts, headwear.

I've seen Mecca accessories. I've seen them expand their product line after I left the company as well, into accessories, bags.

Q. Is there a family of Mecca marks?

A. I believe so. They have Mecca Femme. They market their women's brand as Mecca Femme. And they market Mecca, which I'm trying to think of what other. There's at least two.

Q. Mecca USA?

A. Mecca USA.

Q. Is the Mecca brand still in use?

A. Yes, it is.

Q. Would you say it's famous?

A. I would say it has some fame still, yes.

MR. DOYLE: Off the record.

(At 2:51 p.m. a recess was taken.)

(At 3:02 p.m. the deposition resumes.)

BY MR. DOYLE:

1 R. FELIX - 12/5/06

2 Q. Okay. Mr. Felix, is there a category of
3 men's wear that's referred to as urban sportswear?

4 A. Yes, yes. There's -- I guess it's our
5 specific niche in the market of -- which represents
6 the distribution that we sell to.

7 Q. So Enyce would fall within the category of
8 urban sportswear?

9 A. Yes, it would.

10 Q. Does that refer to a geographic location?

11 A. It's -- no, it doesn't mean solely to
12 inner cities. It means urban in the sense of as an
13 urban lifestyle, which is derived from hip-hop, R&B
14 music, and the lifestyle that that refers to.

15 Q. It grew out of the hip-hop and R&B music
16 scene?

17 A. Yes.

18 Q. Does urban sportswear appeal to suburban
19 shoppers?

20 A. Yes, it does.

21 Q. Does it have a national appeal?

22 A. Urban has worldwide appeal. In fact, it's
23 probably the driving force of the mainstream pop
24 culture worldwide.

25 Q. Are some clothing lines considered

1 R. FELIX - 12/5/06

2 lifestyle brands?

3 A. Yes.

4 Q. What is a lifestyle brand?

5 A. A lifestyle brand is a brand that
6 represents, I guess, different specific lifestyles.

7 Q. And urban lifestyle is one of those
8 lifestyles?

9 A. Urban lifestyle is, yes, one of the main
10 lifestyles.

11 Q. Is Enyce a lifestyle brand?

12 A. Enyce is a lifestyle brand.

13 Q. And the lifestyle that it's associated
14 with is urban lifestyle?

15 A. Yes, the lifestyle is urban.

16 Q. Is Mecca also considered an urban
17 sportswear brand?

18 A. Mecca, yes, it is considered an urban
19 sportswear.

20 Q. It's a lifestyle brand?

21 A. Yes.

22 Q. And what lifestyle does Mecca represent?

23 A. Mecca represents the urban lifestyle.

24 Q. Is FUBU also considered an urban
25 sportswear brand?

R. FELIX - 12/5/06

A. Yes, FUBU is considered an urban sportswear brand.

Q. Is FUBU a lifestyle brand?

A. I would say, yes, FUBU is a lifestyle brand.

Q. And what lifestyle does it represent?

A. The urban lifestyle.

Q. What are some other urban sportswear brands that you can think of?

A. Urban sportswear brands -- other urban sportswear brands would be Sean John, S-E-A-N, J-O-H-N; Phat Farm; Akademiks, A-K-A-D-E-M-I-K-S; Ecko, E-C-K-O; Triple 5 Soul.

Q. Rocawear?

A. Rocawear, R-O-C-A-W-E-A-R. LRG is a new popular brand that's an urban lifestyle as well.

Q. Have you ever heard of "driving shoes"?

A. Yes.

Q. What are they?

A. They're shoes made specifically for race car drivers.

Q. Are they exclusively functional, or are they also considered a fashion accessory?

A. I've seen them in the past few years being

1 R. FELIX - 12/5/06

2 worn as fashion.

3 Q. Can you think of any examples of
4 cross-branding between clothing fashion and
5 automobiles? In other words, clothing brand being
6 used on or in connection with automobiles or
7 automobile parts.

8 A. There's many. Filo was a sponsor of
9 Formula One for Ferrari. They're also a -- Fila was
10 also a sponsor for Ducati, which is MotoGP. Tommy
11 Hilfiger was a Formula One sponsor at one point.
12 There's been the perennial Eddie Bauer Ford Explorer
13 edition.

14 There's been the Coach Edition Lexus.
15 Sean Diddy Combs of Sean John fame has also been
16 linked to Special Edition Lincoln Navigator. Marc
17 Ecko is actually doing an Ecko collaboration with
18 Nissan. LRG is actually doing a collaboration
19 with -- they're producing this four-wheel ATV. I'm
20 trying to think of what else.

21 Q. You mentioned Sean John and Puff Daddy, P.
22 Diddy Combs, and the Lincoln Navigator. Has he been
23 involved in any other car-related products?

24 A. He has a -- they're producing Sean John
25 automotive wheels.

1 R. FELIX - 12/5/06

2 Q. And Sean John is a clothing line?

3 A. Sean John started as a clothing line, and
4 they're branching out and expanding into accessories
5 as well.

6 Q. And are they using that same mark, Sean
7 John, on the wheels?

8 A. The same mark.

9 Q. Are you familiar with a L.L.Bean Subaru?

10 A. I've seen that before, yes.

11 Q. How about a Louis Vuitton Mercedes?

12 A. Yes.

13 Q. And a Levi Edition of the Jeep?

14 A. Yes.

15 Q. In all these cases, is the mark of the
16 clothing brand used conspicuously in connection with
17 these automobiles and automobile parts?

18 A. Yes. There's usually their trademark
19 that's associated with it.

20 Q. Is Coach a fashion brand?

21 A. Coach is a fashion brand.

22 Q. Is L.L.Bean a clothing brand?

23 A. They're a lifestyle clothing brand.

24 Q. They're a clothing brand and they're also
25 a lifestyle brand?

R. FELIX - 12/5/06

A. Yes.

Q. What lifestyle does L.L.Bean represent?

A. I would say outdoor, recreational, active lifestyle.

Q. Is Eddie Bauer a clothing brand?

A. Yes.

Q. Is it a lifestyle brand?

A. It's a lifestyle brand in the same vein as L.L.Bean, an outdoor, recreational, active lifestyle.

Q. What lifestyle does Eddie Bauer represent?

A. That's what I just said.

Q. Sorry.

A. That's what I was referring to, the outdoor, recreational, lifestyle. Eddie Bauer. I'm from Seattle, so it's one of those things. Eddie Bauer, you grow up with.

Q. We've talked about urban culture, hip-hop culture. More or less one in the same?

A. Hip-hop culture and urban culture, yes.

Q. From the standpoint of consumer goods, are there certain goods that are --

A. Actually, you know what? I'm sorry. Hip-hop culture and urban culture, I would say urban

1 R. FELIX - 12/5/06

2 culture is much more vast and encompassing of other
3 subcultures. And I would say that hip-hop culture
4 has become a subculture of urban culture.

5 So, no, they aren't necessarily one in the
6 same. Urban culture is much more encompassing of
7 other cultures as well.

8 Q. Hip-hop culture is a subset of urban
9 culture?

10 A. Yes.

11 Q. From the standpoint of consumer goods, are
12 there any goods that are integral to urban culture?

13 A. Yes.

14 Q. Could you tell me what those are?

15 A. Could you repeat that again?

16 Q. From the standpoint of consumer goods, are
17 there any goods that are integral to urban culture?

18 A. Yes, definitely. I mean, wow, there's so
19 many different categories. You could start off with
20 fashion. Of course, there's apparel and all the
21 aspects of apparel -- tops, bottoms, outerwear,
22 knits, wovens, headwear, accessories, time pieces,
23 jewelry.

24 Q. Certain types of jewelry?

25 A. Oh, definitely. Whether it's earrings or

1 R. FELIX - 12/5/06

2 necklaces, the pendants that are worn on necklaces,
3 whether it's gold chains, platinum chains, diamond
4 chains. The jewel-encrusted pieces that are -- the
5 jewel-encrusted pendants that are hanging from these
6 necklaces, as well as the jewel-encrusted time
7 pieces that are worn.

8 To -- you could go into -- as far as urban
9 culture, you could go into accessories; you could go
10 to into AV accessories, audio/video accessories,
11 turntables, mixers, audio/video equipment, anything
12 that's related to music production. It could be
13 consumer goods that are marketed to the urban
14 consumer, because the urban consumer is involved in
15 music.

16 You could go into the automotive culture,
17 where there's accessories for vehicles. The
18 vehicles themselves are being marketed specifically
19 to urban culture. You have -- Toyota has started a
20 brand Scion, S-C-I-O-N. I don't know if it's Scion
21 or Scion. And that's specifically marketed towards
22 urban youth culture.

23 There's brands -- let's see. Almost every
24 type of -- I mean, you're flipping through the pages
25 of DUB, you see advertisements for almost every type

1 R. FELIX - 12/5/06

2 of automotive accessory, the wheels, the performance
3 parts, that the magazine is geared towards urban
4 consumer and urban lifestyle.

5 Q. Who are the trendmakers when it comes to
6 clothing?

7 A. To clothing? The designers themselves,
8 the music artists that are often endorsing or
9 founding these companies. People like Jay-Z or a
10 Shawn Carter or a Diddy, Sean Combs. To music
11 producers, whether it be a Kanye West or a Farrell
12 to a Ludacris to almost everybody on those covers.

13 I guess that would be athletes. It could
14 be models, it could be designers, could be people in
15 the fashion industry, the music industry, the
16 entertainment industry.

17 Q. Are those the same trendsetters for
18 jewelry in the urban culture?

19 A. They are one in the same, yes.

20 Q. Are those the same trendsetters for
21 automobiles and automobile accessories?

22 A. Yes, they can be.

23 Q. Are certain auto brands, automobile
24 brands, favored within the urban culture?

25 A. Part of urban culture is -- let's see.

1 R. FELIX - 12/5/06

2 Yeah, it has to do with aspiring to want more, and I
3 would say that if you listen to almost -- there's
4 not a single album, hip-hop album, with lyrics that
5 aren't making reference to certain vehicles and
6 aspirational vehicles and aspirational -- you know,
7 how nice cars and anything of that nature are pretty
8 much so.

9 Q. You say that within the lyrics, it's very
10 common to make reference to specific brands of
11 vehicles?

12 A. There's -- yeah.

13 Q. There's specific accessories for vehicles?

14 A. Specific accessories, yes. There's many
15 references towards high-end automobiles, exotic
16 cars, exotic sports cars, expensive SUVs, expensive
17 cars.

18 And many times, there are references to
19 the automotive accessories that are also placed in
20 these cars, whether it's the specific type of engine
21 or the specific type of wheels, the size of their
22 wheels.

23 Many references to the size of their
24 wheels, because often bigger wheels are more
25 expensive. There's -- ever since hip-hop has been

1 R. FELIX - 12/5/06

2 around, there's also been an element of braggadocio,
3 and that has carried throughout.

4 Q. And that goes to the finest styles of
5 clothing, the --

6 A. Whether it's -- yes.

7 Q. -- most flashy and expensive jewelry?

8 A. Flashy jewelry.

9 Q. Flashy car accessories?

10 A. Flashy car accessories, whatever. It's
11 the most expensive bottle at a bar to buy; the
12 places -- you know, the exotic locales that people
13 travel to; the exorbitant amounts of money that's
14 being spent on a rich-and-famous lifestyle.

15 Q. Are you familiar with hip-hop music stores
16 and basketball stores owning their own custom car
17 shops?

18 A. Yes.

19 Q. Can you name a few of the folks in those
20 businesses who --

21 A. Rap artist T.I. in Atlanta, who customized
22 our Enyce car. There's Sprewell, a basketball
23 player that has his own custom shop. Let's see
24 here. There's a few people involved with 310
25 Motoring.

1 R. FELIX - 12/5/06

2 There's also -- there's many hip-hop
3 artists, I know, throughout the South that have
4 their own custom shops.

5 Q. What we've been referring to throughout
6 this conversation as hip-hop culture and urban
7 culture and urban lifestyle brands, are these
8 race-specific?

9 A. No.

10 Q. They transcend race?

11 A. They transcend race. Just like they
12 transcend geography, they transcend race as well.

13 Q. Have you observed any relationship between
14 jewelry within urban fashion and car accessories?

15 A. I've seen the combination.

16 Q. Tell me about that.

17 A. Whether it's -- whether it's necklace
18 pendants in the form of automotive wheels, or it
19 could be -- I've seen jewel-encrusted -- actual
20 automotive wheels on cars that are jewel-encrusted.
21 There's been -- I'm trying think of other examples.

22 There have been examples where there's
23 some accessory companies that not only make -- 310
24 Motoring, which is an aftermarket motoring company
25 in Los Angeles, based in Los Angeles. They also

1 R. FELIX - 12/5/06

2 make apparel as well. So they're both in the
3 automotive accessories as well as fashion. They
4 also do footwear as well.

5 Sean John is a fashion company that also
6 makes automotive wheels as well.

7 Q. In connection with jewelry, you've seen
8 jewelry that takes its inspiration and, in fact,
9 mimics car wheels?

10 A. Yes. I've seen pendants that look like
11 wheels.

12 Q. Watches?

13 A. I've seen watches that look like wheels.

14 Q. Bracelets?

15 A. Yes, I've seen -- yeah, I've seen a lot of
16 those as well.

17 (Exhibit AA was received and marked for
18 identification, as of this date.)

19 BY MR. DOYLE:

20 Q. I'm going to show you what I've marked as
21 Opposer's Exhibit AA, the first page of which is the
22 cover of DUB magazine, dated January 2007.

23 MR. DOYLE: Mr. Berman, here's your copy.

24 BY MR. DOYLE:

25 Q. Would you take a look at that, please?

1 R. FELIX - 12/5/06

2 A. (Witness complies.)

3 Q. I'm going to ask you about some specific
4 pages in here. The second page of this exhibit,
5 could you tell us what that is?

6 A. Yes. LRG is a direct competitor to Enyce.
7 And, I mean, you can see -- lots of different
8 things. It's a lot of -- it's various celebrities
9 in the urban culture. I see DJ Shadow. I see
10 Groovy Lu, who is also in the music industry. I see
11 various artists also.

12 And they're showing their apparel, but
13 they're also showing the -- also their accessories,
14 their belt buckles. I also see --

15 Q. A jewel-encrusted belt buckle?

16 A. A jewel-encrusted belt buckle. I also see
17 jewel-encrusted pendants and various pendants worn
18 by models in those ads.

19 Q. And then the next page from Exhibit AA, I
20 draw your attention to the right-hand side of the
21 page.

22 Could you tell us what that is?

23 A. It's an advertisement. It's a
24 collaboration between Nissan and Ecko Unlimited,
25 which Ecko Unlimited is a direct competitor to

1 R. FELIX - 12/5/06

2 Enyce, again, showing another collaboration between
3 the automotive world with the urban world.

4 Q. And that's something you were referring to
5 earlier, Marc Ecko putting its marks on Nissan
6 vehicles?

7 A. Yes.

8 Q. And then the fourth page of Exhibit AA,
9 could you tell us what that is?

10 A. Yes. It's pictures of the -- it's
11 pictures taken from the DUB auto show that tours
12 across the country. And it's basically an auto
13 show, and it looks like pictures from the actual
14 event. You could see that some of the cars that are
15 featured -- in the upper right, there's this car
16 (indicating).

17 It's a 1970 Coupe Deville, and it's
18 actually Slim Thug's Coupe Deville. And Slim Thug
19 is a hip-hop artist. So many of these artists do
20 own vehicles that are featured in the auto shows.

21 There's also another -- there's a picture
22 of someone at the auto show actually wearing a
23 wheel. It's so big, you can't tell if it's just a
24 huge pendant or an actual wheel being worn as
25 jewelry --

1 R. FELIX - 12/5/06

2 Q. Around his neck?

3 A. -- around his neck. And just the general
4 other things you see at auto shows, usually nice
5 cars with a lot of aftermarket accessories and
6 customization.

7 Q. And the next page of Exhibit AA, could you
8 tell us about that?

9 A. Yes. It's a brand called Lexani, and
10 it's -- they're making footwear. It's a footwear ad
11 by Lexani.

12 Q. And the next page?

13 A. It's an advertisement for Asanti and
14 Lexani doing -- it looks like they're advertising
15 wheels and jewel-encrusted wheels.

16 Q. What is Asanti?

17 A. Asanti is a brand of wheel. There's some
18 type of -- either there's -- there's some type of
19 connection between Asanti and Lexani, because both
20 their logos are in this ad.

21 Q. And the next page, which actually is a
22 foldout of two pages, could you tell us what that
23 appears to be?

24 A. Yes. Again, it's Asanti and Lexani
25 branded together, showing the wheels that they sell.

1 R. FELIX - 12/5/06

2 Q. And the next page, also a double, foldout
3 page?

4 A. It's a combination one. This time, the
5 Lexani logo is featured. And you see Lexani
6 footwear mixed with Lexani mobile audio products
7 with Lexani wheels, because you can see the Lexani
8 logo as the center cap of that.

9 So it's showing that there are companies
10 out there that do footwear and accessories as well
11 as automotive accessories.

12 Q. How about the next page?

13 A. The next page is an advertisement for Marc
14 Ecko. Cut & Sew is his higher brand, and he's
15 advertising in DUB magazine. He's using Spike Lee
16 as the featured model in this, because Cut & Sew,
17 they're trying to go after an older, more mature
18 consumer.

19 Q. So here we have Marc Ecko advertising
20 clothing. What we saw earlier was an advertisement
21 for Marc Ecko's joint effort in connection with the
22 specific Nissan vehicle?

23 A. Yes, yes.

24 Q. And then the final page of this --

25 A. Yeah. It's the same issue of DUB

1 R. FELIX - 12/5/06

2 magazine. They do a dual cover, and this is an
3 issue featuring -- that side features Chris Brown,
4 and he is an R&B artist.

5 And the other side features Ciara, who is
6 another R&B artist, female R&B artist. Again,
7 showing the connection of urban culture mixed with
8 the automotive culture.

9 MR. DOYLE: I'm going to mark as Exhibit
10 BB, two pages, the first of which appears to be
11 the cover of something called Complex Buyer's
12 Guide, dated January 31.

13 Mr. Berman, here is your copy.

14 (Exhibit BB was received and marked for
15 identification, as of this date.)

16 BY MR. DOYLE:

17 Q. Could you tell what that is?

18 A. Yes. This is the cover to Complex Buyer's
19 Guide, Complex magazine. It's one of the magazines
20 we advertise in. Every six months they come out
21 with a special issue called the Buyer's Guide, which
22 is featuring the latest and greatest in footwear,
23 fashion, just products that would be of interest to
24 a male consumer.

25 And Complex is also known to be more of

1 R. FELIX - 12/5/06

2 the urban lifestyle. So the next page is actually
3 an advertisement run by a direct competitor of
4 Enyce. The company is LRG, and it's one of the
5 things that they're developing. It's a street,
6 all-terrain vehicle. And, again, showing how urban
7 fashion is collaborating with the automotive world.

8 MR. DOYLE: I just want to take two
9 minutes.

10 (At 3:28 p.m. a recess was taken.)

11 (At 3:31 p.m. the deposition resumes.)

12 BY MR. DOYLE:

13 Q. What are "spinners"?

14 A. Spinners are the -- spinners are a popular
15 version of an automotive wheel where the -- where a
16 portion of the wheel remains spinning, you know,
17 separate of the wheel itself.

18 Q. So the car can be at a complete stop --

19 A. It can be at a stop, and then -- like the
20 spokes will still spin.

21 MR. DOYLE: I'm going to mark as Exhibit
22 CC, a two-page document, which is a printout
23 from a Web site icedoutgear.com. It says at
24 the top, "Iced Out Gear."

25 Mr. Berman, there is your copy.

1 R. FELIX - 12/5/06

2 (Exhibit CC was received and marked for
3 identification, as of this date.)

4 BY MR. DOYLE:

5 Q. Would take a look at that, please.

6 A. Yes.

7 Q. Tell me about that. What do you see?

8 A. Those look like jewelry versions, inspired
9 by the spinners that you see on cars. And they're
10 spinners on the face of watches and spinners also
11 used as pendants on jewelry.

12 Q. Are you familiar with Iced Out Gear?

13 A. I believe it's one of the many companies
14 that are in the same vein -- as you look at the very
15 last pages of XXL and Source, there's a classified
16 ad section, and there's countless number of
17 companies that do fashion jewelry.

18 Q. Any specific style of fashion jewelry?

19 A. Jewelry that would be marketed towards an
20 urban consumer.

21 Q. And could you turn to the next page?

22 A. Yes.

23 (Witness complies.)

24 Q. Do you see halfway down, there is what
25 appears to be links to -- at least a list of several

1 R. FELIX - 12/5/06

2 brands, starting with Akademiks?

3 A. Yes.

4 Q. Could you tell me --

5 A. Akademiks, Ecko, Enyce, FUBU, Phat Farm,
6 Rocawear, Sean John.

7 Q. And are they all --

8 A. Those are all direct competitors of Enyce.

9 Q. So that's Enyce and its direct
10 competitors?

11 A. Yes.

12 MR. DOYLE: I have no more questions on
13 direct.

14 (A discussion was held off the record.)

15 MR. DOYLE: Let's take a short break, two
16 minutes.

17 (At 3:34 p.m. a recess was taken.)

18 (At 3:37 p.m. the deposition resumes.)

19 EXAMINATION BY

20 MR. BERMAN:

21 Q. I just have a couple of questions. You've
22 been talking about this urban lifestyle, urban
23 consumer.

24 Would you call yourself an expert on this
25 urban lifestyle, this urban consumer?

1 R. FELIX - 12/5/06

2 MR. DOYLE: Objection. He's not been
3 proffered as an expert witness, but you may
4 answer if you understand the --

5 A. As an expert? I don't know what really
6 calls -- what's -- I don't know. I don't know how
7 one becomes an expert on urban culture.

8 BY MR. BERMAN:

9 Q. That was my next question: How does one
10 become an expert? However, you were answering quite
11 a few questions with apparent knowledge of the
12 subject matter.

13 So would you say that there'd probably be
14 very few people who'd have more knowledge of the
15 subject matter than you?

16 A. I'm sure there could be people who are
17 much more experienced in that. But since it's a
18 wide and vast culture, there's probably many other
19 perspectives in urban culture. I do have my
20 perspective of urban culture, but I wouldn't be that
21 arrogant to say that I'm an expert on it.

22 Q. Would you say that you live that world,
23 let's say? Or would you say that you are, on a
24 daily basis, you are in that environment more so --
25 or where -- to the point where you might be able to

1 R. FELIX - 12/5/06

2 speak about that culture?

3 MR. DOYLE: Objection as to form. But if
4 you understand the question, go ahead. It's a
5 compound question. You can answer if you
6 understand, though.

7 BY MR. BERMAN:

8 Q. Or I'll try to clarify if you want.

9 A. Could you clarify that then?

10 Q. Would you say that your daily activities
11 are in and amongst this urban lifestyle environment,
12 so that you have the ability to speak on behalf of
13 what this environment consists of?

14 MR. DOYLE: It's really two questions.

15 BY MR. BERMAN:

16 Q. Do you live your life on a daily basis in
17 and amongst this urban lifestyle environment that
18 you gentlemen are speaking about all day?

19 A. Yes.

20 Q. Therefore, would it be safe to say that
21 you have the knowledge and the ability to then speak
22 on behalf of what this lifestyle consists of? Is
23 that a correct statement?

24 A. Yes.

25 Q. You have a lot of knowledge with respect

1 R. FELIX - 12/5/06

2 to what your company has done. You talk about
3 advertising, you talk about retail locations. Are
4 you familiar with what the various markets that you
5 talk about, what happens outside of your company?
6 Are you familiar with how many retail stores, for
7 example, exist in the United States?

8 Do you have any idea how many retail
9 stores exist in the United States --

10 A. No.

11 Q. -- that would sell clothing?

12 A. No.

13 Q. You spoke about 2000 store fronts or
14 something, whatever exact terminology you talked
15 about that you have your clothing being sold.

16 Do you think that's the majority of stores
17 that exist in the country? Do you think that's a
18 minority? Do you have any idea?

19 MR. DOYLE: Objection. These seem to be
20 compound questions, and I don't know that he
21 can give a single answer to a multilayered
22 question.

23 If you are able to break these questions
24 down into their multiple parts and answer them
25 each specifically, you're free to do so. If

1 R. FELIX - 12/5/06

2 you need them broken down further, I would
3 suggest that Mr. Berman ask one question at a
4 time.

5 A. It would be easier if you asked them one
6 at a time.

7 BY MR. BERMAN:

8 Q. Okay. You spoke about the fact that your
9 clothing is in 2000 locations.

10 Do you have any idea what that represents
11 with respect to a percentage of the overall store
12 locations in the country that would be selling the
13 clothing?

14 A. It would represent a minority of the
15 stores, but that's a part of our branding, is we're
16 not trying to be everywhere; we're just trying to be
17 properly distributed. That's what brings longevity
18 to a brand.

19 Q. Okay. So, specifically, do you sell your
20 clothing to Wal-Mart?

21 A. We do not sell our clothes to Wal-Mart.

22 Q. Do you have any plans to sell your
23 clothing to Wal-Mart?

24 A. Perhaps, when we go down that road when
25 our brand becomes that accessible.

1 R. FELIX - 12/5/06

2 Q. Do you have any immediate plans to sell
3 your clothing at Wal-Mart?

4 A. What's "immediate"?

5 Q. Within the next year.

6 A. I don't think so.

7 Q. Okay. Do you sell your clothing at
8 Target?

9 A. We do not sell our clothes to Target.

10 Q. Do you have any immediate plans to sell
11 your clothes to Target?

12 A. We do not have immediate plans to sell our
13 clothes to Target.

14 Q. Do you sell to J. C. Penney?

15 A. We do not sell our clothes to J. C.
16 Penney.

17 Q. Do you have any immediate plans to sell
18 your clothes to J. C. Penney?

19 A. We do not have immediate plans to sell our
20 clothes to J. C. Penney.

21 Q. Do you sell to Sears?

22 A. We do not sell to Sears.

23 Q. Do you have any immediate plans to sell to
24 Sears?

25 A. We do not have immediate plans to sell to

1 R. FELIX - 12/5/06

2 Sears.

3 Q. Do you sell to Kmart?

4 A. We do not sell to Kmart.

5 Q. Do you have any immediate plans to sell
6 your clothing to KMart?

7 A. We do not have immediate plans to sell to
8 Kmart.

9 Q. Do you sell to the Gap?

10 A. Nobody sells to the Gap. The Gap produces
11 its own clothes. It's a direct retailer.

12 Q. Would you say that a considerable portion
13 of the United States buys their clothing at The Gap
14 or one of their other outlets, Old Navy, or what
15 other names they go by?

16 MR. DOYLE: Objection, compound question.

17 Again, it's too many questions stacked up.

18 BY MR. BERMAN:

19 Q. Would you say that the Gap sells a
20 considerable amount of clothing in the United
21 States?

22 A. Yes. The Gap does not buy a lot of
23 clothes from branded companies either, though.

24 Q. Okay. Let's talk about your advertising.
25 You talked about a considerable amount of magazine

1 R. FELIX - 12/5/06

2 advertising that your company has done.

3 A. Can -- actually, can we go back to the
4 brands, the stores that you talked about, the Sears,
5 the Targets, the Wal-Marts, the J. C. Penneys?

6 Q. Sure.

7 A. We have no plan to sell them immediately.
8 Part of keeping our brand integrity is keeping it
9 away from certain stores, and those stores are
10 lower-tiered price point stores. By making Enyce
11 accessible to those stores, that lowers the brand
12 integrity, and that is why we do not sell to those
13 stores.

14 Q. Would you say that's because you want only
15 a select group of people to be purchasing your brand
16 of clothing?

17 A. No. It's more of a business play. Once
18 you end up lowering your price points, it's hard to
19 keep -- it's hard to ask for higher price points.
20 So while we have -- while the brand has some
21 integrity and cachet at higher price points, there's
22 really no need to have to sell to those retailers.

23 If the brand loses it's cachet and loses
24 its marketability, then those avenues become much
25 more plausible. As the brand is dying, chances

1 R. FELIX - 12/5/06

2 are -- such as the case with Mecca. When the brand
3 lost its popularity, it started opening its
4 distribution to places such as J. C. Penney.

5 At this point, those retailers are not in
6 our distribution plan. But should the plan --
7 should our popularity start to die and we need to
8 use that as a measure to stay in business, we would
9 exercise that measure.

10 Q. Okay. I'd like the talk to you about the
11 advertising, if I may. You talked a great deal
12 about the various different magazines you advertise
13 in.

14 And which one has the largest circulation
15 of all the magazines that you advertise in?

16 A. Out of the magazines in the media plan,
17 and I'm not sure which exhibit it was, VIBE
18 magazine.

19 Q. And you stated that they have a
20 circulation of approximately a million --

21 A. Just short of a million --

22 Q. Just short of a million?

23 A. -- copies per month.

24 Q. Are you familiar with how many people live
25 in the United States today?

1 R. FELIX - 12/5/06

2 A. I estimate it's under 300 million.

3 Q. Recently, they estimated it went over
4 300 million. So we're in agreement it's around 300
5 million?

6 A. Right.

7 Q. So would say that this magazine reaches
8 less than 1 percent of the population as the biggest
9 magazine?

10 MR. DOYLE: Objection to the term
11 "reaches."

12 MR. BERMAN: Well --

13 MR. DOYLE: Do you want me to elaborate on
14 my objection?

15 MR. BERMAN: Please.

16 MR. DOYLE: We talked before about not
17 just straight circulation but pass-through.
18 And since the witness has already testified he
19 doesn't know the pass-through figures for this,
20 he's not in a position to testify as to how
21 many readers this magazine actually reaches.

22 BY MR. BERMAN:

23 Q. Well, we talked about if you -- you have
24 the circulation figure.

25 Is that what you were just referring to

R. FELIX - 12/5/06

with VIBE, a million; is that correct?

A. Yes.

Q. So would it be safe to say that this magazine does not reach the majority of the United States?

A. That's --

MR. DOYLE: Are you asking whether it is safe to say this magazine does not reach more than 150 million people per month?

BY MR. BERMAN:

Q. Do you have any reason to believe that this magazine -- that is, your largest magazine -- reaches any more than 1 percent of a population in the United States? Do you have any reason to suspect that?

A. It depends on how that's calculated. If we're saying -- if it's one million -- if 1 percent equals three million, and there's a pass-through rate of three, then that would be 1 percent right there.

Q. Okay. So, at best, are you saying that this magazine may reach 1 percent of the United States?

MR. DOYLE: Objection. Again, Mr. Berman,

1 R. FELIX - 12/5/06

2 the witness has already testified that he
3 doesn't know the past-through rates for these
4 magazines. He's in a position to testify,
5 based on the knowledge, as to the circulation
6 rates, but he's not in the position to testify
7 as to the pass-through rates.

8 And I don't think you want him to guess or
9 speculate on something about which he's already
10 testified he has no knowledge. The numbers
11 speak for themselves.

12 BY MR. BERMAN:

13 Q. You spoke about the urban lifestyle and
14 the urban consumer.

15 Would the individuals in that lifestyle be
16 listening to, let's say, sports radio, in your
17 opinion?

18 A. I would say there are people that are in
19 urban lifestyle, that are involved in the urban
20 lifestyle, that do listen to sports radio.

21 Q. Would you say they would watch the nightly
22 news?

23 MR. DOYLE: Objection. This is just vast
24 speculation as to what an individual may or may
25 not --

1 R. FELIX - 12/5/06

2 MR. BERMAN: I have a point, and you were
3 able to ramble on with all of your ridiculous
4 questions. And I have a point that I'm getting
5 to.

6 MR. DOYLE: My objection is as to this
7 witness's ability to testify with any knowledge
8 as to the questions you're asking.

9 MS. COHEN: He can answer?

10 MR. DOYLE: Yes.

11 A. What was the question?

12 BY MR. BERMAN:

13 Q. Let's get more specific with your
14 advertising.

15 Have you ever advertised on a television
16 news show?

17 A. No.

18 Q. Have you ever advertised on sports radio?

19 A. No.

20 Q. So, then, would it be safe to say that the
21 average American that watches television news,
22 listens to sports radio, goes to Wal-Mart to buy his
23 clothes, may have never heard of your brand of
24 clothing?

25 MS. COHEN: Objection.

1 R. FELIX - 12/5/06

2 MR. DOYLE: Objection as to who this
3 average American is and the basis for this
4 witness to testify as to what this theoretical
5 person may or may not have seen or known.

6 These are points which you are free to
7 make in your papers, but this witness cannot
8 testify as to that which he doesn't know.

9 BY MR. BERMAN:

10 Q. Have you ever advertised on any news radio
11 stations?

12 A. No.

13 Q. Mr. Doyle ran through a list of other
14 products that he asked if you had ever made with the
15 E-N-Y-C-E name on them.

16 Do you recall Mr. Doyle running through a
17 list of 12 to 15 different items, handkerchiefs, et
18 cetera?

19 A. I don't know if he mentioned
20 handkerchiefs, but he mentioned a list.

21 Q. Do you recall when -- we can go back on
22 the record and get that list if you need it, but do
23 you recall --

24 A. I do recall that, yes.

25 Q. You recall the list?

R. FELIX - 12/5/06

A. Yes.

Q. When would you say the first of those items was produced? Give me the year.

MS. COHEN: You mean the first on the list? He'd have to know which order the list went in.

A. I would have to see the list.

BY MR. BERMAN:

Q. We can either get it off the record, or if you have that list in your notes, I'd like to refer to the list.

MR. DOYLE: Off the record for a minute.

(A discussion was held off the record.)

MR. BERMAN: Back on the record.

BY MR. BERMAN:

Q. Earlier in the testimony, you stated that other items had been produced with the E-N-Y-C-E name. And I'm just curious if you can tell me the year that the items were produced. The first item was referred to as sneakers.

A. Sneakers. And the next item is shoes.

Q. Yes.

A. Sneakers and shoes were produced, I'd estimate, '99. 1999.

1 R. FELIX - 12/5/06

2 Q. Scarfs?

3 A. Scarfs, 1998.

4 Q. Key rings?

5 A. Key rings, 1997.

6 Q. Umbrellas?

7 A. Umbrellas, '98 or '99.

8 Q. Action figures?

9 A. '99, 2000.

10 Q. What does that refer to, an action figure?

11 A. Action figure, a toy figure of a -- an
12 action figure. It's -- we produced them for our
13 Lady Enyce brand, and it was actually a little doll
14 that all our products were shipped with, we called
15 our Lucy doll.

16 Q. Luggage tags?

17 A. Luggage tags was '97 or '98.

18 Q. Cuff links?

19 A. 2000 -- 2003, 2004.

20 Q. Flight bags?

21 A. Flight bags was 2004.

22 Q. Blankets?

23 A. 2004.

24 Q. Beach towels?

25 A. 2004.

1 R. FELIX - 12/5/06

2 Q. Flight masks?

3 MR. DOYLE: I don't think there was a
4 flight mask referred to. Maybe you're thinking
5 sleeping mask?

6 MR. BERMAN: Sleeping mask. I'm sorry.

7 A. It's the same year as the flight bag.

8 BY MR. BERMAN:

9 Q. Same year as the flight bag, 2004?

10 A. Yes.

11 Q. Earlier today, certain exhibits were
12 produced that showed some additional trademark
13 filings. And previously in this case --

14 A. We also did a skateboard too.

15 Q. You did a skateboard?

16 A. In 2006.

17 Q. And we have Exhibit G, H, and I, which are
18 trademark registrations, dated November 14, 2006.

19 MR. DOYLE: Just to clarify, what you're
20 seeing that's dated November 14, 2006 is the
21 certification from the board, the PTO, the
22 Patent and Trademark Office. The registrations
23 themselves each bear their own date on the
24 second page in the upper, right-hand corner.

25 BY MR. BERMAN:

1 R. FELIX - 12/5/06

2 Q. I guess my question to you is: Would you
3 say that you have trademarks for all of these
4 different items that you are or have produced?

5 MR. DOYLE: Objection as to form. "Have
6 trademarks" is a loose term.

7 Are you asking whether he owns trademark
8 registrations that cover all of these goods?

9 MR. BERMAN: Thank you for clarifying the
10 question. Yes, that is the question.

11 A. Are you asking me if we have the trademark
12 that cover all these things?

13 BY MR. BERMAN:

14 Q. Trademark --

15 A. Sounds like a legal issue. I don't know
16 every single area that we're protect as.

17 Q. So it's very possible that you're
18 producing product without having any sort of
19 trademark registration for some of these products.
20 Would that be a correct statement, to the best of
21 your knowledge?

22 A. Yes.

23 Q. Okay. Is it a practice of your company to
24 go ahead and produce products outside of the scope
25 of your trademark registrations?

R. FELIX - 12/5/06

A. Yes.

Q. I refer to Exhibit U, which is the car that has certain E-N-Y-C-E identification on it.

Do you recall this exhibit, sir?

A. Yes.

Q. Do you have any trademark registration to allow you to put the E-N-Y-C-E name onto car products?

A. I don't know.

Q. Do you recall having your deposition taken on April 6 of 2005 in this same matter?

A. Yes, I remember the deposition being taken.

Q. Do you recall responding to a question as to whether you had previously or in the future came up with any other names for trademarks other than E-N-Y-C-E?

A. I'm sorry?

Q. Okay. During this deposition, as well as today's deposition, you stated that you were the inventor, I believe I'm using the correct terminology, or the creator of E-N-Y-C-E; is that correct?

A. In my deposition, yes, I had said that I

1 R. FELIX - 12/5/06

2 coined the trademark "Enyce."

3 Q. Okay. Well, a question was asked of you
4 previously, whether you have come up with any other
5 names that had been trademarked. And at that time,
6 you responded that you had not?

7 MR. DOYLE: Objection. This is not a
8 memory test. If you want to refer to a
9 specific place in that record, that's what we
10 should do.

11 And I'll get my copy of the transcript as
12 well, and we can look at it together. But to
13 ask questions as to what he did or did not
14 recall, you know, months ago --

15 MR. BERMAN: Well, it's really not that
16 difficult a question.

17 BY MR. BERMAN:

18 Q. Have you come up with any other names
19 since, because it is a year and half ago?

20 A. Have I come up with names since?

21 Q. Have you filed for trademarks for any
22 other names other than E-N-Y-C-E?

23 A. Other than E-N-Y-C-E, no.

24 Q. And prior to the E-N-Y-C-E trademark
25 application, had you come up with any other names

1 R. FELIX - 12/5/06

2 prior to that?

3 MR. DOYLE: In his life?

4 MR. BERMAN: Yes.

5 A. I have been part of the creative process
6 of coming up with a trademark, but I haven't
7 necessarily been the one, the specific person, that
8 has actually personally filed for a trademark.

9 BY MR. BERMAN:

10 Q. You know what, can you get your copy of
11 this?

12 A. Yes.

13 MR. DOYLE: Off the record, please.

14 (At 4:04 p.m. a recess was taken.)

15 (At 4:05 p.m. the deposition resumes.)

16 MR. BERMAN: Back on the record.

17 Mr. Doyle, do you have your exhibits that
18 came with this?

19 MR. DOYLE: From that? From that
20 deposition?

21 MR. BERMAN: Yes.

22 MR. DOYLE: I don't. At least, I don't
23 have them readily available. If they're
24 somewhere in the files, you know, I assume they
25 are. But we did take this over from another

1 R. FELIX - 12/5/06

2 firm, and I can't say for sure that we have
3 everything.

4 MR. BERMAN: Okay. Well, I'm going to
5 refer to an exhibit. You can make a copy of
6 it. Do you want to make a copy of it first?

7 MR. DOYLE: How many exhibits do you have
8 that you want to put in the record?

9 MR. BERMAN: At the moment, just this one.

10 MR. DOYLE: I asked because I don't want
11 to keep running back and forth. So whatever
12 you want --

13 MR. BERMAN: I have this here. I'll just
14 give this to you.

15 BY MR. BERMAN:

16 Q. But during the previous deposition, and
17 then again today, you talked about how you created
18 the E-N-Y-C-E trademark.

19 A. Trademark.

20 Q. And, specifically, you talked about how
21 you were alone when you came up with this trademark;
22 do you recall that?

23 A. Uh-huh.

24 Q. Stating that today as well as previously?

25 A. Uh-huh.

1 R. FELIX - 12/5/06

2 MR. BERMAN: I'm referring to, previously,
3 Exhibit No. 6 from the deposition of 4/6/05,
4 which I guess we'll put in -- do you want to
5 put in today as an exhibit for today as Exhibit
6 No. DD as well? Okay. We'll call this DD.

7 MR. DOYLE: As a numbering standpoint,
8 what you'd want to do, Mr. Berman, is start
9 with your own numbers, as opposed to letters.
10 And all mine, although we started abbreviating
11 them as A, B, AA, whatever, they really are
12 Opposer's Exhibit such and such.

13 I think you'd want to call this
14 applicant's exhibit.

15 BY MR. BERMAN:

16 Q. Applicant Exhibit 1. It's a document
17 taken off a Web site from Look magazine where a
18 Mr. Tony Shellman --

19 A. Yes.

20 Q. -- is quoted as saying that the name
21 E-N-Y-C-E originated from a bet, because he couldn't
22 copyright the abbreviation NYC. And he states that
23 after brainstorming, he won the bet by wisely
24 deciding to place an E on the front end of the
25 N-Y-C-E.

1 R. FELIX - 12/5/06

2 Do you recall this exhibit from the
3 previous deposition, sir?

4 A. Yes, I recall this.

5 Q. And have you had a chance to talk to
6 Mr. Shellman about this matter since this previous
7 deposition?

8 A. We talk about many matters. We've talked
9 numerous times about how often Tony Shellman could
10 tell stories.

11 Q. Can you elaborate on the actual origin of
12 the name E-N-Y-C-E, please?

13 A. Yes. I elaborated on it previously. I've
14 told the story about that.

15 MR. DOYLE: You can go ahead and tell it
16 again.

17 A. I mean, it's this story of whatever Tony
18 did and whatever he'd come up with and whatever it
19 was exactly, I guess it's what Cecil Cross, the
20 writer, wrote.

21 And if that -- I wasn't at that interview,
22 so I don't know what came out -- what really came
23 out of Tony's mouth, and I don't know what really
24 Cecil wrote. And I know my story, and I stand
25 behind it.

1 R. FELIX - 12/5/06

2 BY MR. BERMAN:

3 Q. You told us your title earlier?

4 A. Yes.

5 Q. What was that title?

6 A. Cofounder and executive vice president.

7 Q. Of what company?

8 A. Enyce, LLC.

9 Q. Enyce, LLC. And does Mr. Shellman have a
10 title in this company?

11 A. Tony does not have a title in this
12 company.

13 Q. Do you see Mr. Shellman often?

14 A. I see him occasionally.

15 Q. Does he have any involvement in the
16 company today?

17 A. Tony has no involvement with Enyce today.

18 Q. Were you involved --

19 A. Tony Shellman was not an employee of Enyce
20 when my deposition in April of last year was taken
21 either, so. He hasn't been an employee for quite
22 some time.

23 Q. Can you tell me the circumstances that led
24 to your change of attorneys in this matter?

25 MR. DOYLE: Objection. It's

1 R. FELIX - 12/5/06

2 attorney-client privilege, to the extent that
3 it calls for disclosure of attorney-client
4 communications.

5 BY MR. BERMAN:

6 Q. Were you involved in this? Was this your
7 decision?

8 A. No. I personally don't own the trademark,
9 so.

10 MR. BERMAN: I'm done.

11 MR. DOYLE: Redirect.

12 FURTHER EXAMINATION

13 BY MR. DOYLE:

14 Q. Who is Tony Shellman?

15 A. Tony Shellman is a -- Tony Shellman is one
16 of the cofounders of Enyce. He no longer works with
17 Enyce, though.

18 Q. In 1996, what was his job?

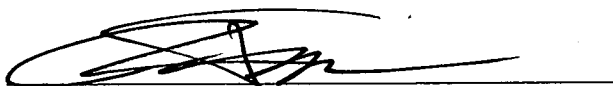
19 A. In 1996 -- Tony Shellman, in 1996, was --
20 well, at that time also. At that time, it wasn't
21 Enyce, LLC; it was Enyce, Inc. And Tony helped
22 found the brands. And when he had a title as an
23 employee for Enyce, Inc., he was a vice president of
24 marketing.

25 MR. DOYLE: All right. Just move into

R. FELIX - 12/5/06

evidence, Opposer's Exhibit A through CC. And
that's all.

(Time noted: 4:13 p.m.)



ROLANDO FELIX

Subscribed and sworn to
before me this day
of ~~2006~~.

16 JANUARY 2007

Barbara E. McCoy

BARBARA E. McCOY
NOTARY PUBLIC, State of New York
No. 01MC4792941
Qualified in Suffolk County
Certificate Filed in New York County
Commission Expires October 31 *09*

INDEX

EXAMINATION BY	PAGE
MR. DOYLE	4,121
MR. BERMAN	96

OPPOSER'S EXHIBITS

FOR ID	DESCRIPTION	PAGE
Exhibit A	The Opposer's notice of taking trial testimony	4
Exhibit B	Depiction of hangtag	20
Exhibit C	Depiction of hangtag	20
Exhibit D	Depiction of hangtag	20
Exhibit E	Depiction of hangtag	20
Exhibit F	Depiction of hangtag	20
Exhibit G	Copy of the federal trademark registration	23
Exhibit H	Copy of the federal trademark registration	23
Exhibit I	Copy of the federal trademark registration	23
Exhibit J	Document captioned "Enyce Spring/Summer 2006 Media Plan"	28
Exhibit K	First page, copy of the cover of Elemental Magazine	43
Exhibit L	Seven-page document, Bates No. EN000173 to EN000179	44
Exhibit M	Document which features on its first page DUB magazine, dated June/July 45	45

OPPOSER'S EXHIBITS (CONT'D)

FOR ID	DESCRIPTION	PAGE
Exhibit N	Document - First page of which is the cover of DUB magazine, dated August/September 2006	47
Exhibit O	Exhibit that the first page of which appears to be the cover of DUB magazine, dated March 2006	48
Exhibit P	Exhibit that the first page of which appears to be Complex magazine from February/March	49
Exhibit Q	Copy of what appears to be VIBE Vixen magazine, dated spring 2006	50
Exhibit R	One-page document, Bates-numbered EN000396	50
Exhibit S	One-page document that features Bates No. EN000335	51
Exhibit T	Multipage document	58
Exhibit U	Document which says across the top, "Enter for a chance to win"	61
Exhibit V	Banner Ad	62
Exhibit W	Document that's Bates-numbered EN000342	63
Exhibit X	Document Bates-labeled EN000341	63
Exhibit Y	Document Bates-numbered EN000338	64
Exhibit Z	Document Bates-labeled EN000339	65
Exhibit AA	Document - First page of which is the cover of DUB magazine, dated January 2007	88

OPPOSER'S EXHIBITS (CONT'D)

FOR ID	DESCRIPTION	PAGE
Exhibit BB	Document - two pages, the first of which appears to be the cover of something called Complex Buyer's Guide, dated January 31	93
Exhibit CC	Two-page document, which is a printout from a Web site icedoutgear.com. It says at the top, "Iced Out Gear"	95

CERTIFICATE

STATE OF NEW YORK)

: ss

COUNTY OF NEW YORK)

I, Angela M. Shaw, a Certified Shorthand Reporter,
Registered Professional Reporter and Notary Public within
and for the State of New York and New Jersey, do hereby
certify:

That ROLANDO FELIX, the witness whose deposition
is herein before set forth, was duly sworn by me and that
such deposition is a true record of the testimony given by
such witness.

I further certify that I am not related to any of
the parties to this action by blood or marriage and that I
am in no way interested in the outcome of this matter.

In witness whereof, I have hereunto set my hand
this 18th day of December, 2006.

ANGELA M. SHAW, CSR, RPR

LICENSE NO. XI00218400

NAME OF CASE: LC Licensing vs. Carey Berman

DATE OF DEPOSITION: December 5, 2006

NAME OF WITNESS: Rolando Felix

Reason Codes:

1. To clarify the record.
2. To conform to the facts.
3. To correct transcription errors.

Page 25 Line 16 Reason 3
From 902,000 to 2,000

Page 56 Line 14 Reason 3
From permanantly to prominently

Page 72 Line 22 Reason 3
From marketing chain to mark itself

Page 72 Line 24 Reason 3
From describe to discern

Page 86 Lines 15 and 16 Reason 3
From stores to stars

Page _____ Line _____ Reason _____
From _____ to _____

Page _____ Line _____ Reason _____
From _____ to _____

Page _____ Line _____ Reason _____
From _____ to _____


ROLANDO FELIX

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Application Serial No. 78/320,850
For the Mark ENYCE
Filed: October 30, 2003

-----X,	:	
L.C. LICENSING, INC.,	:	
	:	
Opposer,	:	Opposition No. 91/162,330
	:	
v.	:	
	:	
CARY BERMAN,	:	
	:	
Applicant.	:	
-----X	:	

OPPOSER'S NOTICE OF TAKING TRIAL TESTIMONY

Pursuant to Trademark Rule 1.123, as part of its trial testimony Opposer will take the testimony of Rolando Felix.

The testimony will take place at the offices of Cowan Liebowitz & Latman, P.C., 1133 Avenue of the Americas, New York, NY 10036-6799 on December 5, 2006 beginning at 1:00 p.m. and continuing until completed.

You are invited to attend and cross-examine.

Dated: New York, New York
November 16, 2006

COWAN, LIEBOWITZ & LATMAN, P.C.
Attorneys for Opposer

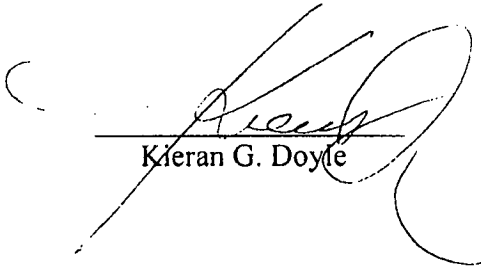
By: 

Kieran G. Doyle
1133 Avenue of the Americas
New York, New York 10036
(212) 790-9200

CERTIFICATE OF SERVICE

I certify that on November 16, 2006 a copy of the foregoing Notice of Taking Trial
Testimony was served on Applicant by causing a copy to be delivered by fax, email and U.S.
mail to Applicant as follows:

Cary Brett Berman
1917 Lafayette Road
Gladwyne, Pennsylvania 19035
autocary@aol.com
fax (866) 508-7700



Kieran G. Doyle



ENYCE
CLOTHING COMPANY
A REGD. TRADE MARK



● 18W ●



ENYCE

CLOTHING COMPANY

the authentic brand of distinction

INNOVATION
FABRICATION
SINCE 1996

RN.96312

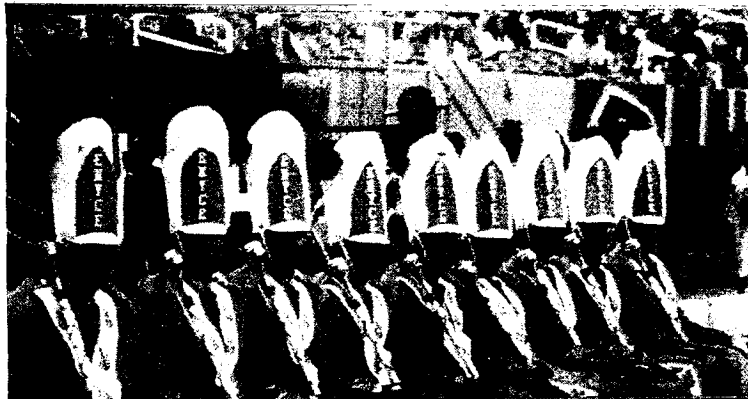


ENYCE®

Outdoor Pursuits
EST96 EC 96312

5TH FLOOR, NEW YORK, NEW YORK

L.C. Licensing v. Berman
Opp. No. 91,162,330
Opp. Ex. 3



**ENYCE
CLOTHING CO.**

MCMXCVI
THE BRAND OF DISTINCTION
EXCLUSIVE FABRICATIONS OF SELECT GARMENTS

INTERNATIONAL
CHAMPIONS OF THE GAME SINCE OUR FOUNING



STYLE / MODELE: EYRC2049
COLOR / COULEUR: 053
TEES



SIZE **XXL**

SUGG. RETAIL / PRIX SUGGÈRE
\$49.99



40 EAST 34TH STREET, 16TH FLOOR, NEW YORK, NEW YORK 10016 • 212-726-5800

L.C. Licensing v. Berman
Opp. No. 91,162,330
Opp. Ex. C

Thank You
FOR PURCHASING THIS
OFFICIAL ENYCE GARMENT
CRAFTED WITH
THE FINEST MATERIALS
AND WITH
THE GREATEST OF PRIDE
EAR WITH PRIDE
THE AUTHENTIC
BRAND OF DISTINCTION
MCMXXCVI

UNPRECEDENTED IN THE
ENYCE
1996
REG. TRDMRK.
ESTABLISHED NINETEEN
REET,

ENYCECLOTHINGCO

ENYCE
CLOTHING COMPANY
ESTABLISHED 1996 A BRAND OF BELIEF

ENYCE
CLOTHING COMPANY
ESTABLISHED 1996 A BRAND OF BELIEF

ENYCE
CLOTHING COMPANY
ESTABLISHED 1996 A BRAND OF BELIEF

ENYCECLOTHINGCO
THE ORIGINAL BRAND OF DISTINCTION

ENYCE
CLOTHING COMPANY
ESTABLISHED 1996 A BRAND OF BELIEF

ENYCECLOTHINGCO
THE ORIGINAL BRAND OF DISTINCTION

INNOVATION

THE KING'S CLP
96
MAHARAJA COURTS

ENYCE
ELEPHANT POLO

THE BRAND OF DISTINCTION

GOURT TUSKERS

THE KING'S ROYAL GOURT
ENYCE CLOTHING COMPANY

ENYCE

FOR PURCHASING THIS
OFFICIAL ENYCE GARMENT
CRAFTED WITH
THE FINEST MATERIALS
AND WITH
THE GREATEST OF CARE.
WEAR WITH PRIDE
THE AUTHENTIC
BRAND OF DISTINCTION
MCMXCVI

ENYCE
CLOTHING CO.
BRAND OF DISTINCTION

ENYCE Clothing Company
established 1996



EYRU3111 202
QUILTE BOMBER VEST



8 28630 48454 6

XXL

\$78.00



EYRU2504 100
HUNTING L/S BTR TEE



8 28630 44017 7

XXL

\$48.00



STYLE: EYRU3463
COLOR CODE: 009
CONT. LUXE



28630 50174 8

38
SIZE

\$00.89

SRP

L.C. Licensing v. Berman
Opp. No. 91,162,330
Opp. Ex.

MANUFACTURER'S
SUGGESTED
RETAIL PRICE : **\$128.00**



8 28630 48919 0

XL

EYRU2804 400
STRIPED VARSITY JKT

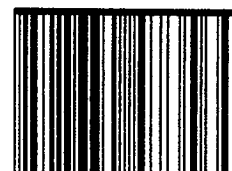




EZMU2528

202

SHORT DOWN LOGO JKT



8 28630 47356 4

M

MANUFACTURER'S
SUGGESTED
RETAIL PRICE :

\$128.00

40 EAST 34TH STREET, 16TH FLOOR, NEW Y

L.C. Licensing v. Berman
Opp. No. 91,162,330
Opp. Ex. CF

• 212-726-5800

7039333

THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

November 14, 2006

THE ATTACHED U.S. TRADEMARK REGISTRATION 2,338,404 IS
CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND
EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN
THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES
PATENT AND TRADEMARK OFFICE.

REGISTERED FOR A TERM OF 10 YEARS FROM *April 04, 2000*

SAID RECORDS SHOW TITLE TO BE IN:

L.C. LICENSING, INC.

A DE CORP

By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office

E. Borrett
E. BORNETT
Certifying Officer



L.C. Licensing v. Berman
Opp. No. 91,162,330
Opp. Ex. 6

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

Reg. No. 2,338,404

United States Patent and Trademark Office

Registered Apr. 4, 2000

**TRADEMARK
PRINCIPAL REGISTER**

LADY ENYCE

ENYCE, INC. (DELAWARE CORPORATION)
8 WEST 40TH STREET, THIRD FLOOR
NEW YORK, NY 10018

FOR: WOMEN'S CLOTHING, NAMELY,
SHIRTS, TOPS, BOTTOMS, PANTS, JACKETS,
COATS, JOGGING SUITS, WARM-UP SUITS, T-
SHIRTS, POLO SHIRTS, TANK TOPS, SKIRTS,
SHORTS, DENIM SHIRTS, DENIM PANTS,
DENIM TOPS, DENIM BOTTOMS, DENIM
SHORTS, DENIM SKIRTS, SWEAT SHIRTS,
SWEAT PANTS, SWEAT SHORTS, HEAD-

WEAR, CAPS, HATS, IN CLASS 25 (U.S. CLS. 22
AND 39).

FIRST USE 7-0-1998; IN COMMERCE
7-0-1998.

OWNER OF U.S. REG. NO. 2,093,751.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "LADY", APART FROM THE
MARK AS SHOWN.

SER. NO. 75-694,719, FILED 4-30-1999.

JANEL PERNELL, EXAMINING ATTORNEY

7039333

THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

November 14, 2006

THE ATTACHED U.S. TRADEMARK REGISTRATION 2,351,411 IS
CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND
EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN
THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES
PATENT AND TRADEMARK OFFICE.

REGISTERED FOR A TERM OF 10 YEARS FROM *May 23, 2000*

SECTION 8 & 15

SAID RECORDS SHOW TITLE TO BE IN:

L.C. LICENSING, INC.

A DE CORP

By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office

E. Borneitt
E. BORNEITT

Certifying Officer



L.C. Licensing v. Berman
Opp. No. 91,162,330
Opp. Ex. 4

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

Reg. No. 2,351,411

United States Patent and Trademark Office

Registered May 23, 2000

**TRADEMARK
PRINCIPAL REGISTER**



ENYCE, INC. (DELAWARE CORPORATION)
8 WEST 40TH STREET
THIRD FLOOR
NEW YORK, NY 10018

TANK TOPS, SKIRTS, WARM-UP SUITS,
SWEATSHIRTS AND SWEATPANTS, IN CLASS 25
(U.S. CLS. 22 AND 39).

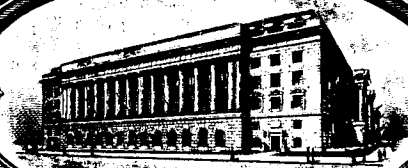
FIRST USE 8-0-1996; IN COMMERCE 8-0-1996.

FOR: APPAREL AND HEADWEAR FOR MEN,
WOMEN AND CHILDREN, NAMELY HATS, CAPS,
VISORS, HEADBANDS, SHIRTS, JACKETS, JOG-
GING SUITS, PANTS, COATS, T-SHIRTS, SHORTS.

SER. NO. 75-579,695, FILED 10-30-1998.

JANEL PERNELL, EXAMINING ATTORNEY

7039333



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

November 14, 2006

THE ATTACHED U.S. TRADEMARK REGISTRATION 2,093,751 IS
CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND
EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN
THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES
PATENT AND TRADEMARK OFFICE.

REGISTERED FOR A TERM OF 10 YEARS FROM *September 02, 1997*

SECTION 8 & 15

SAID RECORDS SHOW TITLE TO BE IN:

L.C. LICENSING, INC.

A DE CORP

By Authority of the

Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office

E. Bornetti
E. BORNETTI

Certifying Officer



L.C. Licensing v. Berman
Opp. No. 91,162,330
Opp. Ex. 1

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

Reg. No. 2,093,751

United States Patent and Trademark Office

Registered Sep. 2, 1997

**TRADEMARK
PRINCIPAL REGISTER**

ENYCE

**FILA U.S.A., INC. (DELAWARE CORPORATION)
11350 MCCORMICK ROAD
HUNT VALLEY, MD 21031**

**FOR: APPAREL AND HEADWEAR FOR
MEN, WOMEN AND CHILDREN, NAMELY,
HATS, CAPS, VISORS, HEADBANDS, SHIRTS,
JACKETS, JOGGING SUITS, PANTS, COATS, T-
SHIRTS, SHORTS, TANKTOPS, SKIRTS,**





















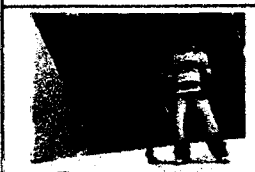




**WARM-UP SUITS, SWEATSHIRTS AND
SWEATPANTS, IN CLASS 25 (U.S. CLS. 22 AND
39).**

**FIRST USE 8-31-1996; IN COMMERCE
8-31-1996.**





SN 75-976,355, FILED 6-24-1996.

CARYN HINES, EXAMINING ATTORNEY

Enyce Spring/Summer 2006 Media Plan

	march	april	may	june	july
vibe		 2 ads running in APRIL			
vixen					
elle girl					
complex					
xxl					
source					
elemental					
fader					
dub					
college bound		L.C. Licensing v. Berman Opp. No. 91,162,330 Opp. Ex. <u>J</u>			EN000394

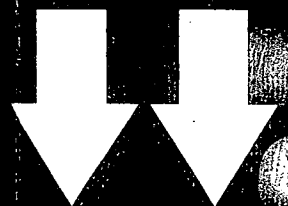
Enyce Spring/Summer 2006 Outdoor Plan

	february	march	april	may
125th nyc			ad running through beginning of may	
houston st nyc				
sunset blvd la				
houston tx				

ELEMENTAL MAGAZINE

HIS LAST INTERVIEW

PROOF



BUSTA RHYMES

LEADER OF THE TRUE SCHOOL

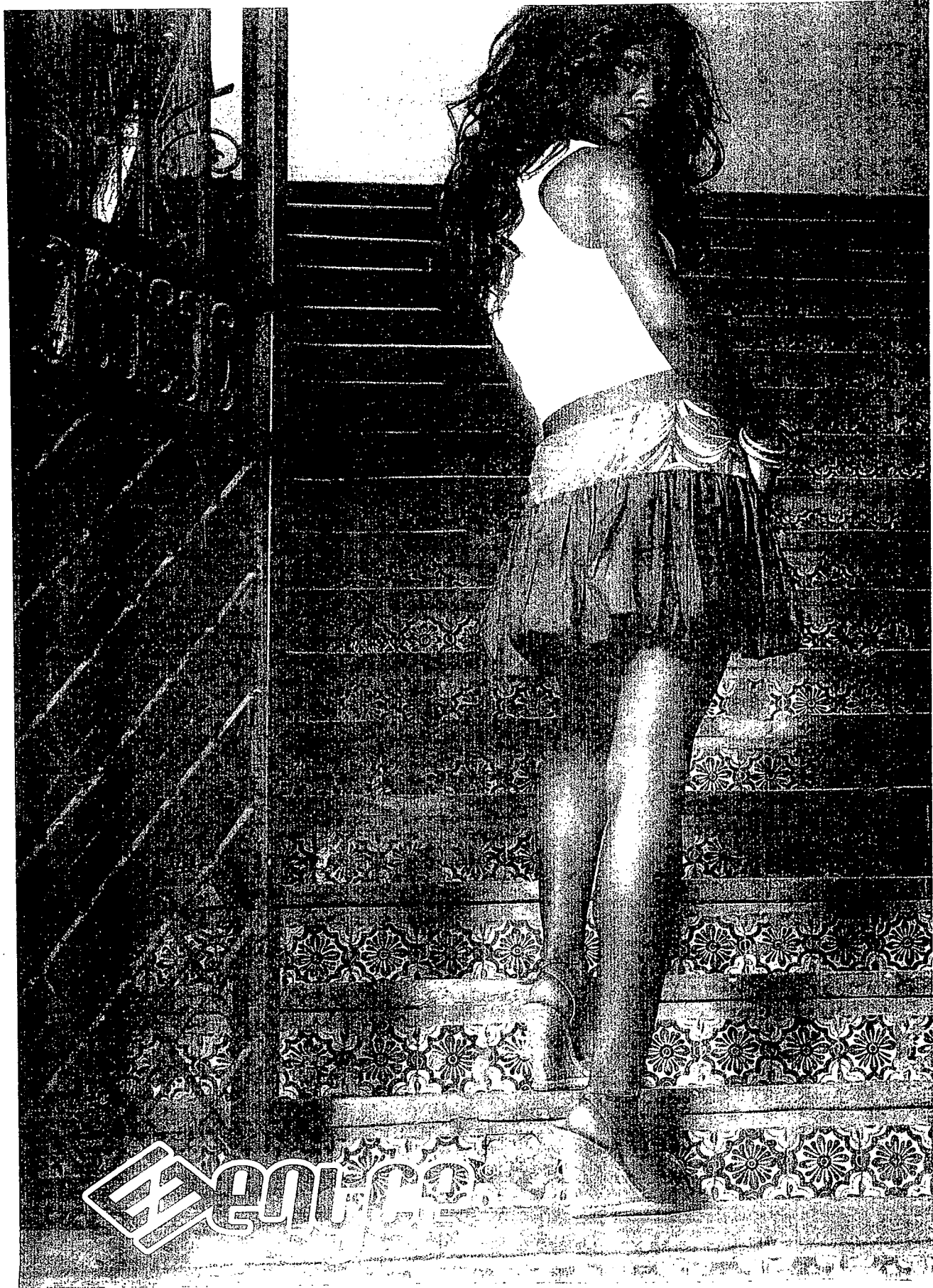
KOOL KEITH
P.U.T.S
DJ TOOMP



EXHIBIT

L.C. Licensing v. Berman
Opp. No. 91,162,330
Opp. Ex. K

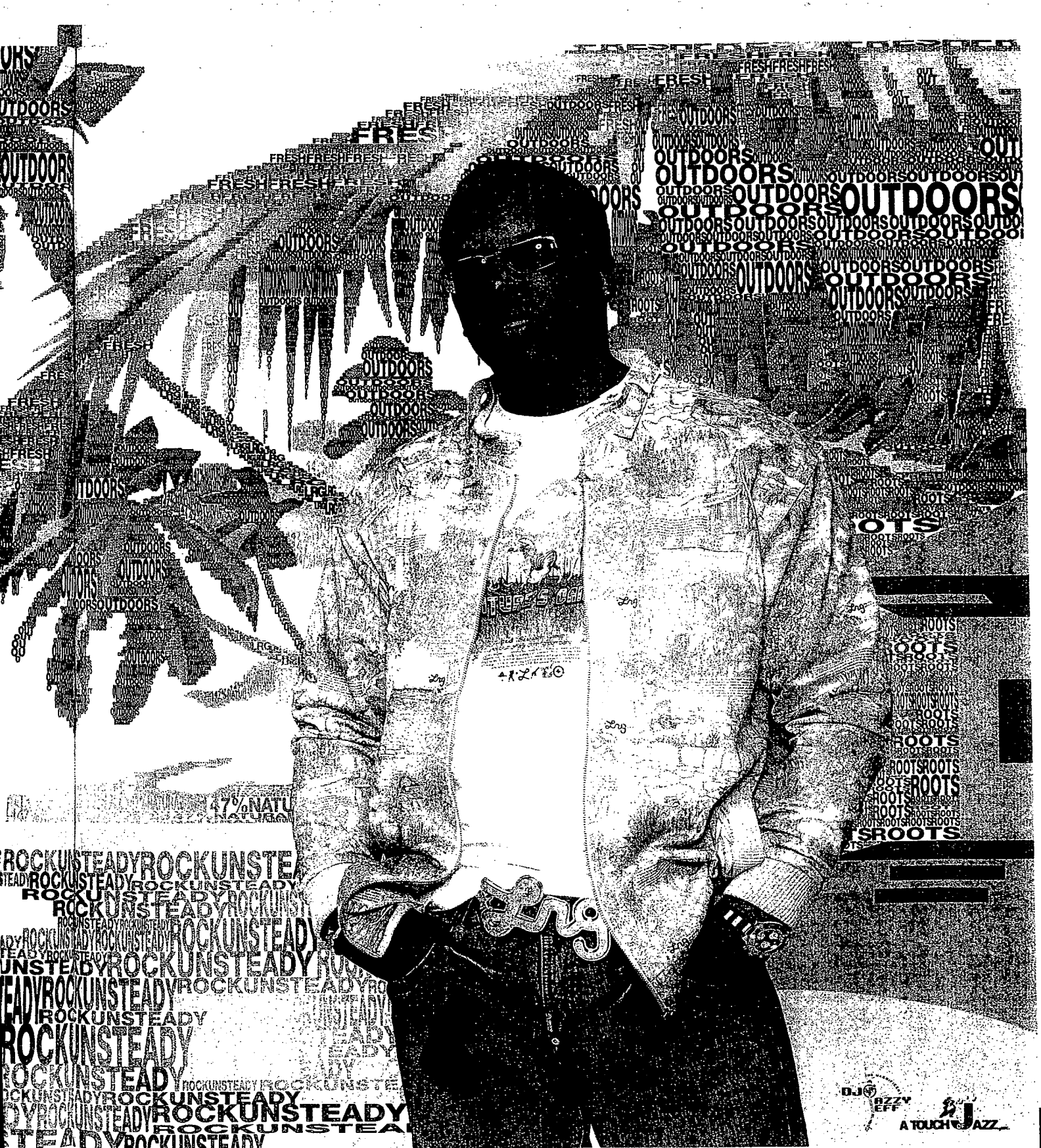
EN000038



EN000039



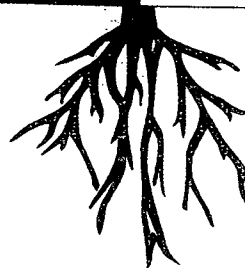
EN000040



DJ Jazzy Jeff
Lifted Research Group

EN000041

underground inventive
overground effective



ROCKUNSTEAD
ROCKUNSTEAD
ROCKUNSTEAD

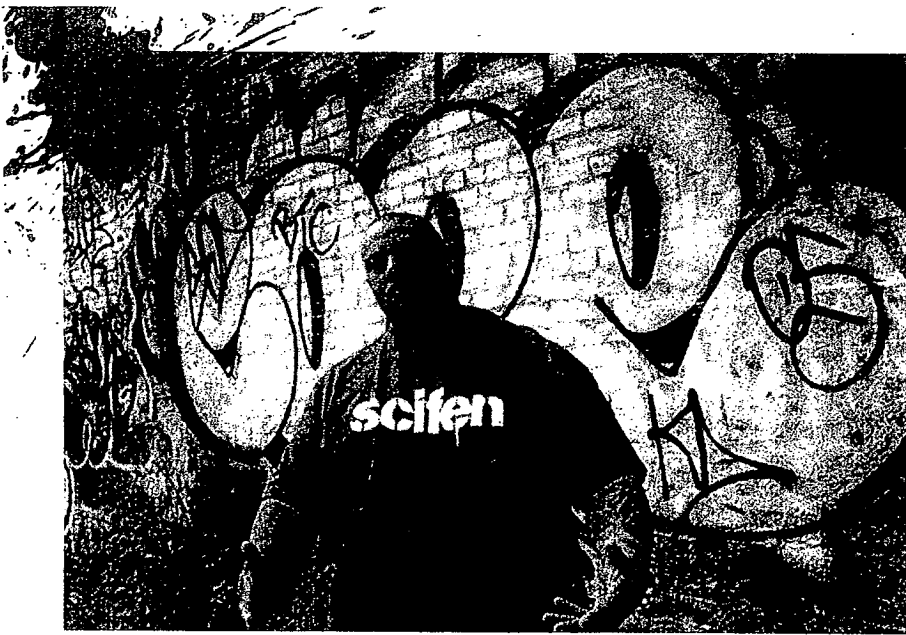
A word cloud of the phrase "Rock Unsteady" is positioned in the upper right quadrant of the image. The words are rendered in a bold, sans-serif font, with "Rock" and "Unsteady" appearing in various sizes and orientations, creating a dynamic and energetic feel. The background of the entire image is a dark, grainy photograph of a city skyline at night, with numerous lights from buildings and streets visible. The overall composition suggests a theme of urban music or a gritty, rock-and-roll aesthetic.

★ Zrg a revolutionary clothing company
ph. 949.581.1144 fx. 949.581.0077



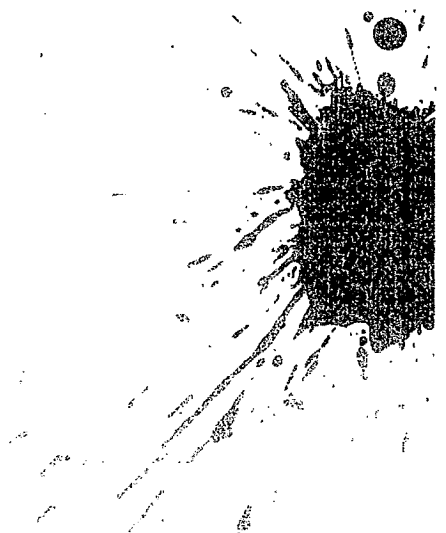


EN000042

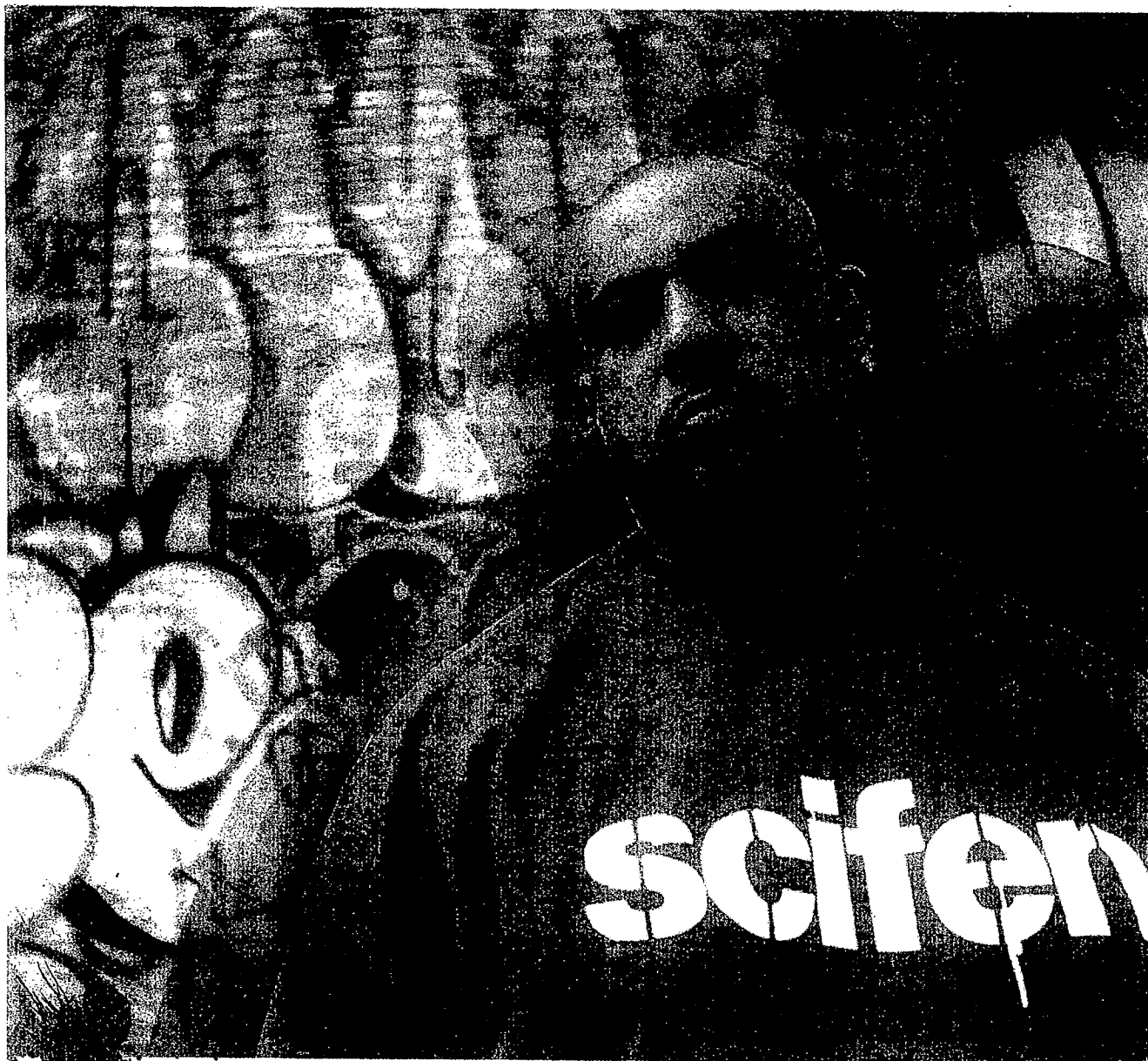


KING COPE 2
"ALL WORLD"

WWW.SCIFEN.COM
WWW.COPE2TRUELEGEND.COM



EN000043



scifen

AVAILABLE ONLINE

@digitalgravel
com

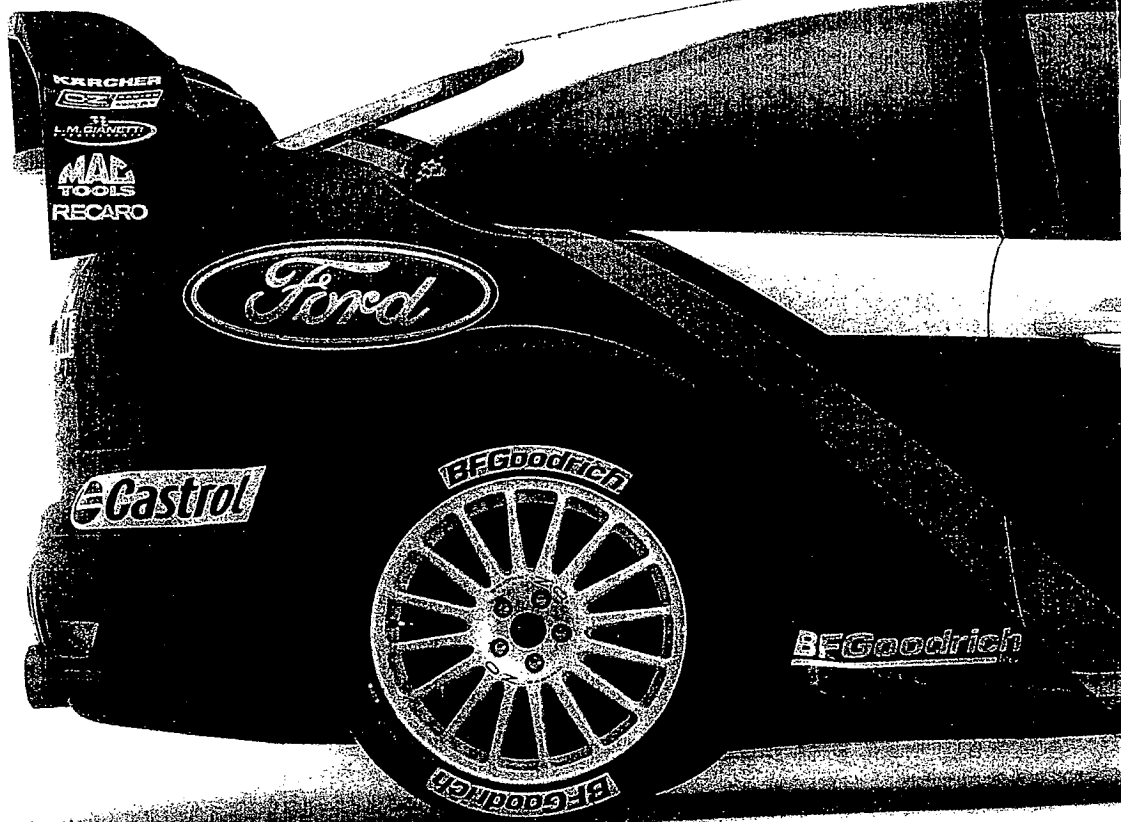
EN000044

TABLE OF THE ELEMENTS

VOL. 7 ISSUE 77

24 Ask the Bishop Don "Magic" Juan has the answers you seek. **32 My Word** Esoteric talks about pussy. **34 Read the Labels** ABB, the bay's banger. **36 Akir** World traveler, hip-hop philanthropist. **38 Matlock** From Rolling Meadows to your earphones. **40 Terrell C. Wright** Breaking down the banging lifestyle. **42 Bronze Nazareth** Leave the driving to me. **44 Proof** The Future was then and now. **46 Block McCloud** It's summer session at Brooklyn Academy. **48 J. Period** Painter of mixtape masterpieces and plush production. **50 Halftime Primetime** 8th Anniversary highlights. **52 DJ Toomp** Atlanta's no-nonsense mixtape king has blown the top. **60 Kool Keith** Part man, part other. 100% hip-hop. **64 Busta Rhymes** In light of so much drama, Busta is still solidly planted. **76 Films** A little Bay Area opinion for you. **80 Gettin' Dusty** Cooling with The King of Chill.







ELEMENTAL MAGAZINE

VOL. 7 ISSUE 77

PUBLISHER Matt Wright
EDITOR Michael Cusenza
FASHION EDITOR Karen Pearson
ELECTRO EDITOR esta
BOOKS EDITOR Bret Duchon
ART DIRECTION Matt Wright with GHava
EDITORIAL ASSISTANT P. Ebuel Pull

CREW: Chuck D., Aqua Boogie, Bret Duchon, Devin Horwitz, Kontakt, Tim Stroh, Damian Rodriguez, Brolin Winning, Jeff Smack, Sleepy, Shock G, Blown Affiliates, Sherman Johnson, Louis Logic, BeatDawg, Jonathan Cunningham, dimsumfactory, Max Herman, Barry Underhill, Trevor Traynor, Daniel Muessig, Justin Francis, Gregg Delman, John Francis Peters, Bernard Hacker, Jessica Wright, Chris Cusenza, RO1 crew, Kwest Kincaid

PR handled by Audible Treats, www.audibletreats.com

SUBSCRIPTIONS: \$20 for 12 issues
Subscribe online at www.elementalmag.com

71-A Oak St. Brooklyn, NY 11222

OPERATIONS
ADVERTISING Adam Wright
HIP-HOP ARCHIVES Top Cat
STAFF INTERN A.J.

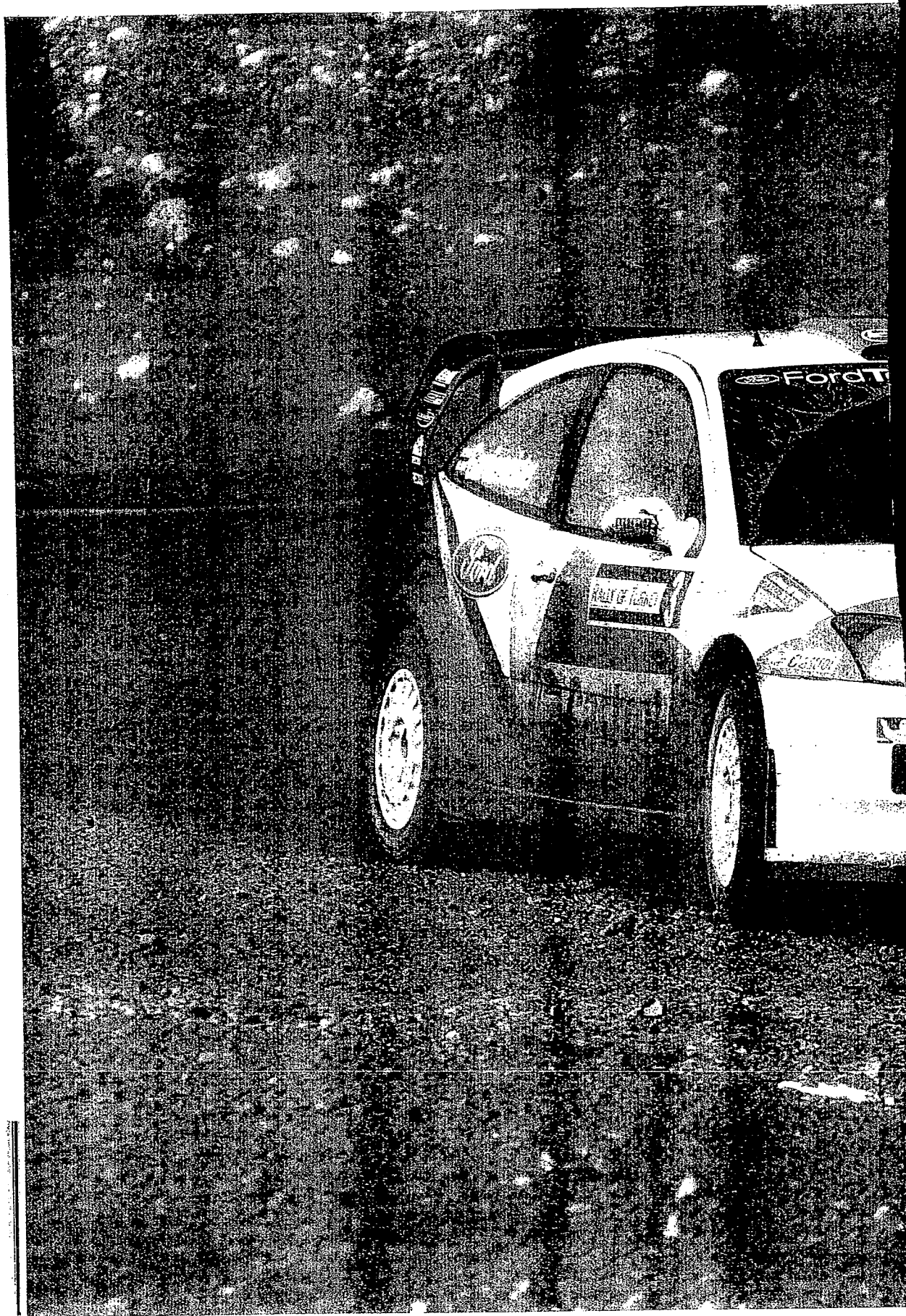
CORRESPONDENCE/SUBMISSIONS
ELEMENTAL MAGAZINE
71-A Oak St. Brooklyn, NY 11222

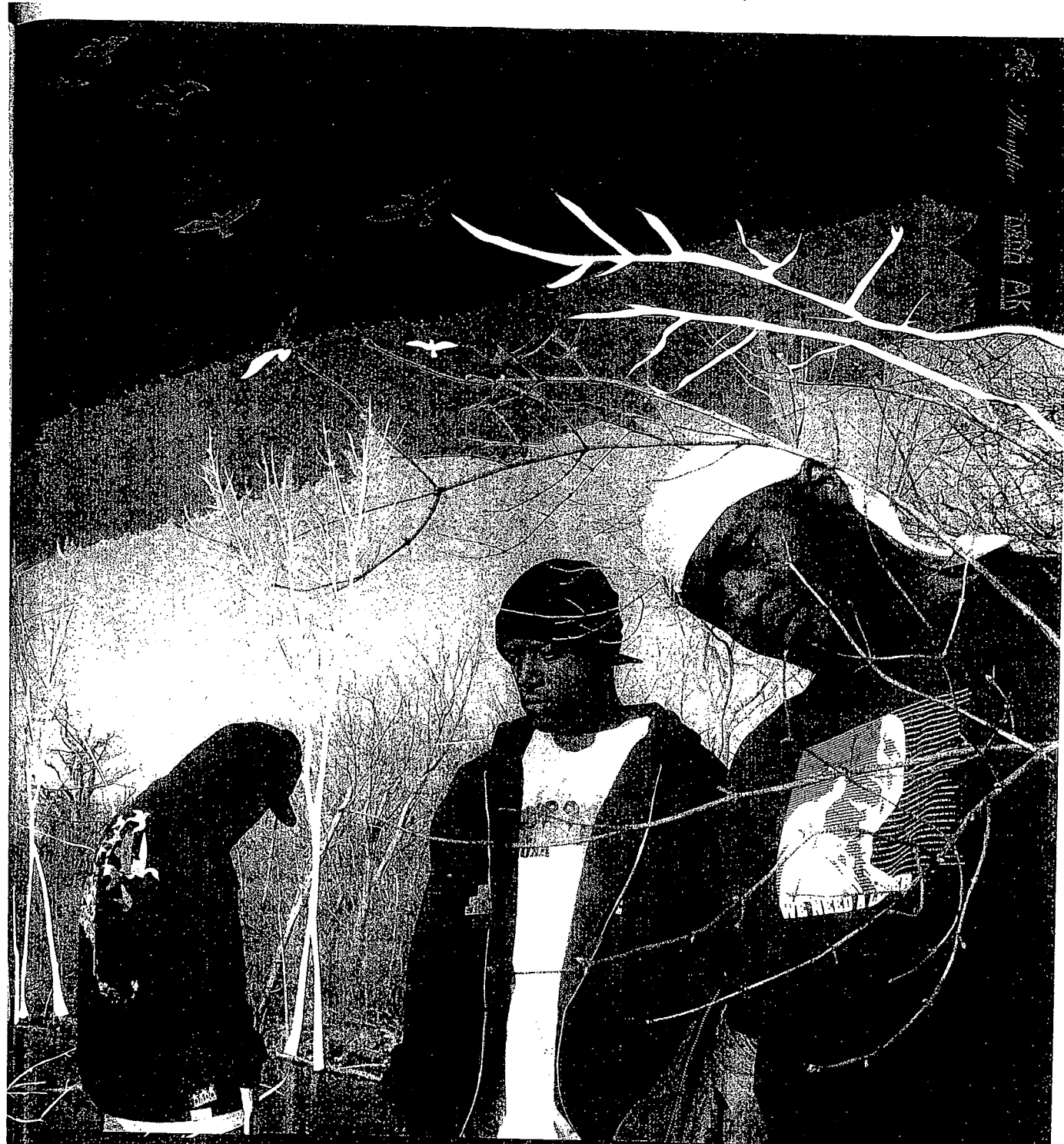
P.718.218.0077 F.718.383.6378
www.elementalmag.com

ELEMENTAL MAGAZINE is published monthly by Elemental Publishing Inc., a subsidiary of nothing and answering to nobody - except Freddie Foxxx.

COVER: Busta Rhymes photo by Barry Underhill.

Photos pgs 18-22 Ford Focus Rally 2006 courtesy Ford Racing.





AKOMPLICE

Akomplice-Clothing.com
AKOMPLICE
Intelligent Consciousness

CunninLynguists

New Album Out Now

'A Piece Of Strange'

Look out for the 'QNS Spring Cleaning Tour'
See Tour Dates At QNS.com

CUNNINLYNGUISTS



QNS MUSIC
www.qnsmusic.com

EN000047



balance

LOS ANGELES - MONTEBELLO - SAN JOSE - LAS VEGAS



LACED SNEAKER BOUTIQUE
IN CHINATOWN LAS VEGAS

WWW.WORKMENS.COM

STORE LOCATIONS



877-WORKMENS
(967-5636)

EN000048

BTSG 1



The Basic EP
In Stores Now
www.embeddedmusic.net

METHO



METHODS
NEW YORK CITY

innovative urban apparel

methodsny is a Brooklyn based creative unit dedicated to the future development of the urban culture. By supporting innovators we add momentum to our pursuit of collective advancement and provide a platform for those who compose their own formula for life.

www.methodsny.com

FILMS

BY **E-40**
& **SAN QUINN**

BIG MOMMA'S HOUSE 2: Directed by John Whitesell.

Went to check out "Big Momma's House 2" over the weekend and it made me chuckle every now and again. It was a great family movie, but for a gangsta like myself it was a bit soft. Basically, the plot of the movie was the typical "heroine saves the day" so to speak. Nia Long was playing Martin's wife and she was supposedly nine-months pregnant. That was the fakest pregnant stomach I have ever seen. It was too big and it had the shape of a pillow. It was shifting while she was moving and at any moment I was waiting for it to fall out of her shirt. I couldn't figure out if that was supposed to be a joke, or did they really think they could pull that off? I was happy to see they used the original son Trent. It's good when the original cast returns to do a sequel.

Big Momma went undercover as a nanny. When she went on the interview, Big Momma was putting all the other applying nannies on blast. She looked at one nanny and pointed out her burnt fingertips, which indicated she was a habitual blunt smoker. Another one she put on blast for carrying a gun. It was really funny.

The family that she was taking care of had problems. They had a 3-year-old that didn't talk. He jumped off anything high and he hit the ground so hard you would think he would be retarded from head trauma. They had a daughter who was just looking for attention from the daddy who was a workaholic. Basically, this plot was typical but Martin made the movie funny.

The scene where he was on the beach dressed as Big Momma in a bathing suit with braids like Bo Derek was one that could have kept. The clumps of cellulite in her legs and butt looked too real. I actually see chicks like that on the beach thinking they're cute.

Overall I give this movie a B-. I went to see the movie because my boy Martin was in it. Looking at Martin for two hours in a dress kinda has me looking at him sideways. I'm gonna run out and buy "Bad Boys" 1 and 2 to get that manly image of Martin back. — E-40

WEDDING CRASHERS: Directed by David Dobkin.

This movie was a lot funnier than I thought it would be. Those two fools (Owen Wilson and Vince Vaughn) had playing with women down to an exact science. They would damn near gameplan as if they were in the Super Bowl. They definitely had their demonstration together.

The way they would act like they knew who was getting married to sleep with the women at the wedding was funny as hell cause they never knew what they were talking about. When Vince Vaughn's character got caught up with that girl that wouldn't let him go, it reminded me of one of my boys, whose girl damn near wanted to marry his ass after their first date. Owen Wilson likes this crazy-ass girl's sister but she's engaged to this punk and he kind of knows that they like each other so he starts messing with him.

One of the funniest parts of the movie is when the two characters have a falling out over the girl that Vince Vaughn is gonna get married to. Owen Wilson goes to see the guy that got them started crashing weddings. When he gets to this house the guy's mom answers the door so Wilson goes inside and waits for him downstairs. After waiting for a little bit he sees someone coming down the stairs—and it's Will Ferrell. His crazy ass is wearing this robe with a shirt, some boxers and some house shoes and I couldn't stop laughing at this fool. He started lacing Owen Wilson with all sorts of game but tells him that he doesn't crash weddings anymore, but now, he's doing funerals. The two of them go out to do the whole funeral thing and Owen Wilson realizes that this ain't the thing for him and that he misses his boy who's about to get married and the girl's sister who has already gotten married to that little punk. He goes to Vince Vaughn's wedding and first handles his business and gets the girl back that he liked and then watches his best friend get married to her sister.

It was cool to see these dudes realize that their friendship was worth a whole lot more than all of the crazy-ass stunts that they were pulling off cause it eventually led to them finding the women that they got together with. Overall this was a movie that I would watch anytime I wanted to see something that I knew would make me laugh throughout the whole thing. — San Quinn

E-40's new album, *My Ghetto Report Card*, on Warner/BME/Sic Wid It Records is in stores now. For more info, check out E-40.com.

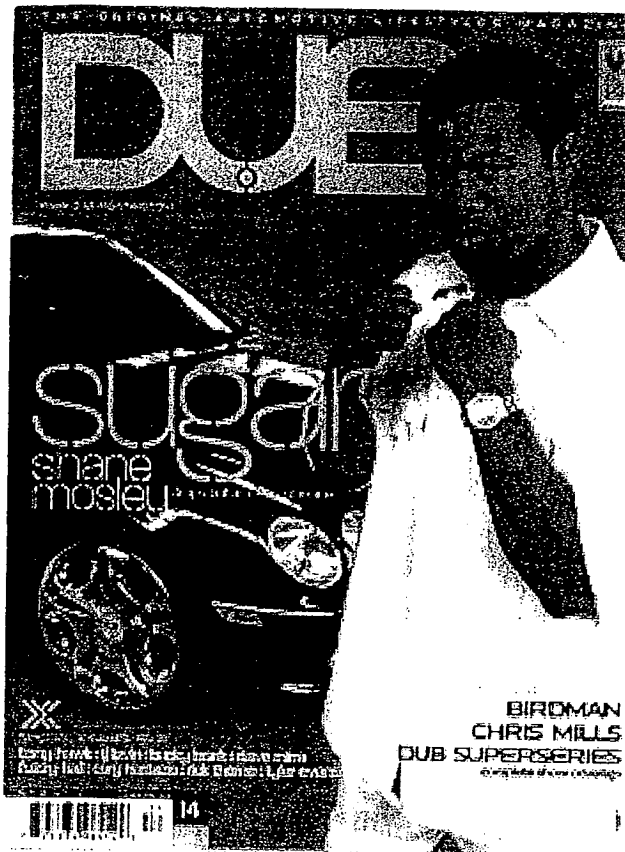
San Quinn's new album, *The Rock: Pressure Makes Diamonds*, on Deal Done/SMC Recordings is in stores now. For more info, check out smcrecordings.com.

DRJAYS.COM
get dressed

belly of the beast akademiks eckō-unltd. *Arg* RocaWear triple five *Joel* G Unit

WWW.DRJAYS.COM • SERVICE@DRJAYS.COM • YOUR LEADER IN URBAN FASHION

EN000050

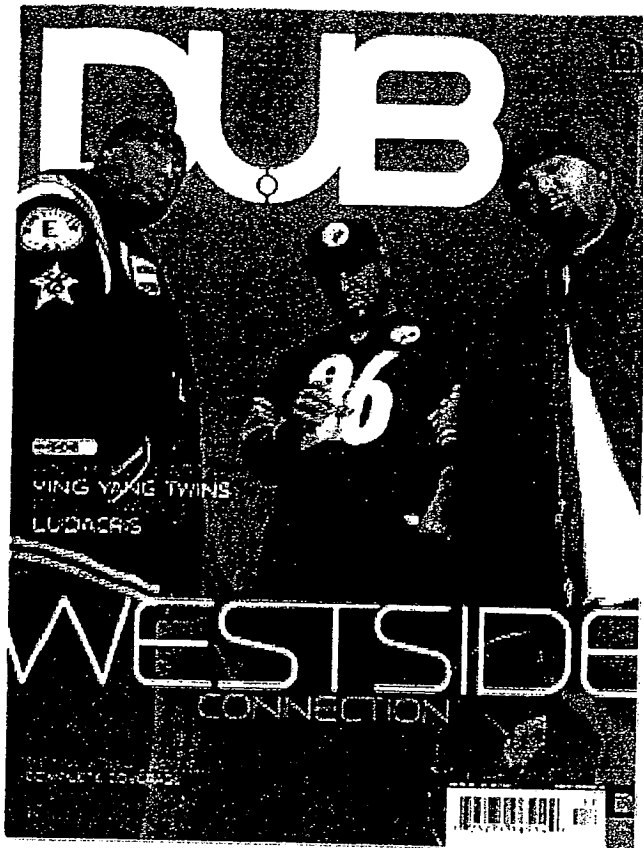


ISSUE 14
FALL 03

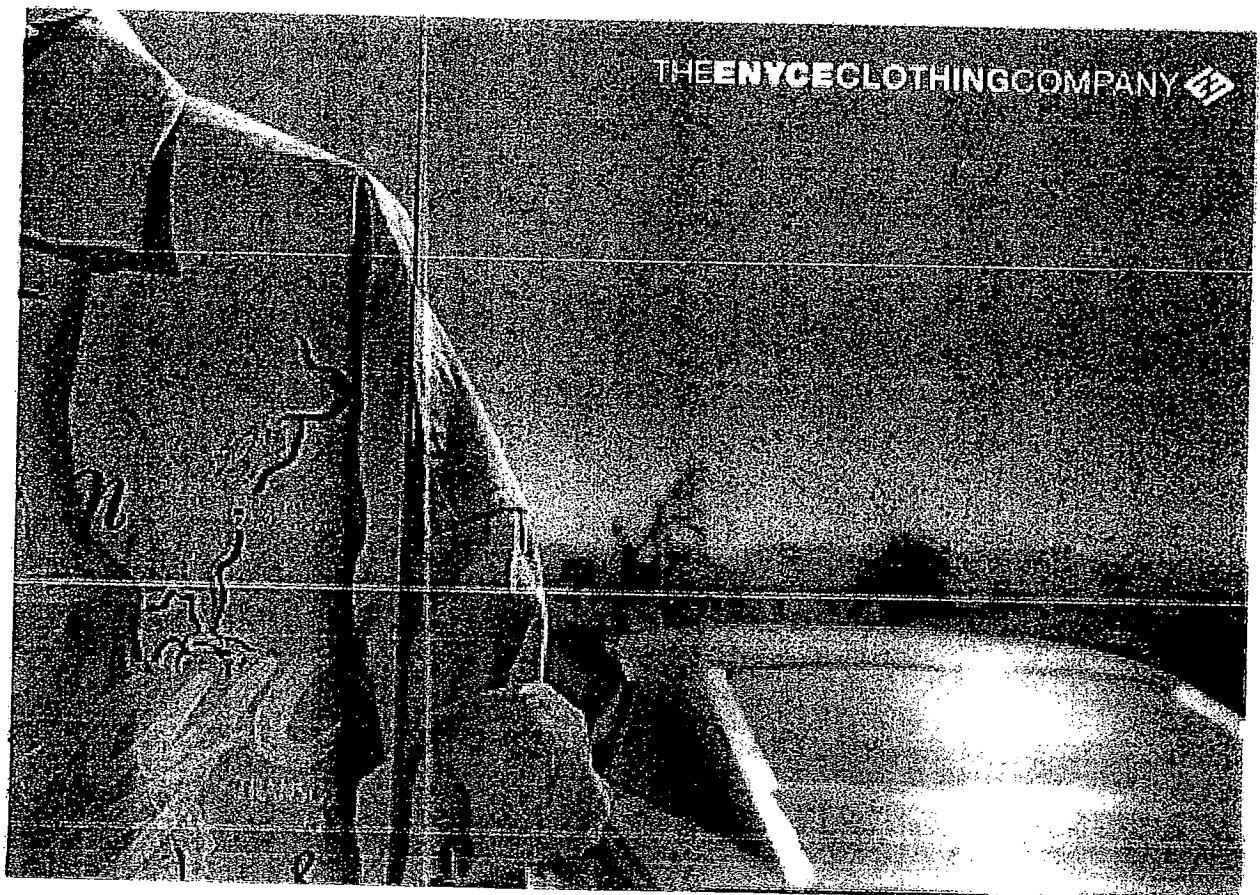


L.C. Licensing v. Berman
Opp. No. 91,162,330
Opp. Ex. 2

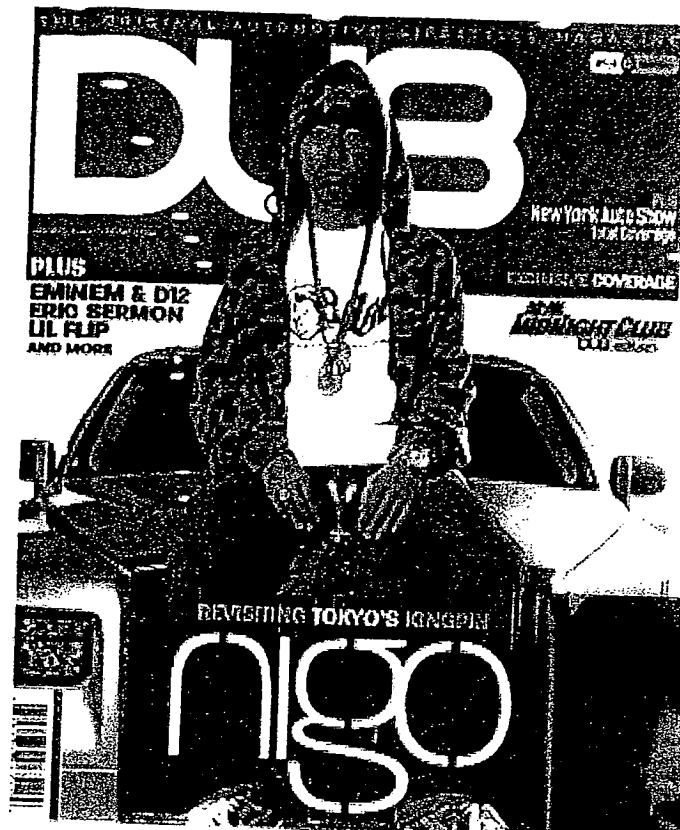
EN000173



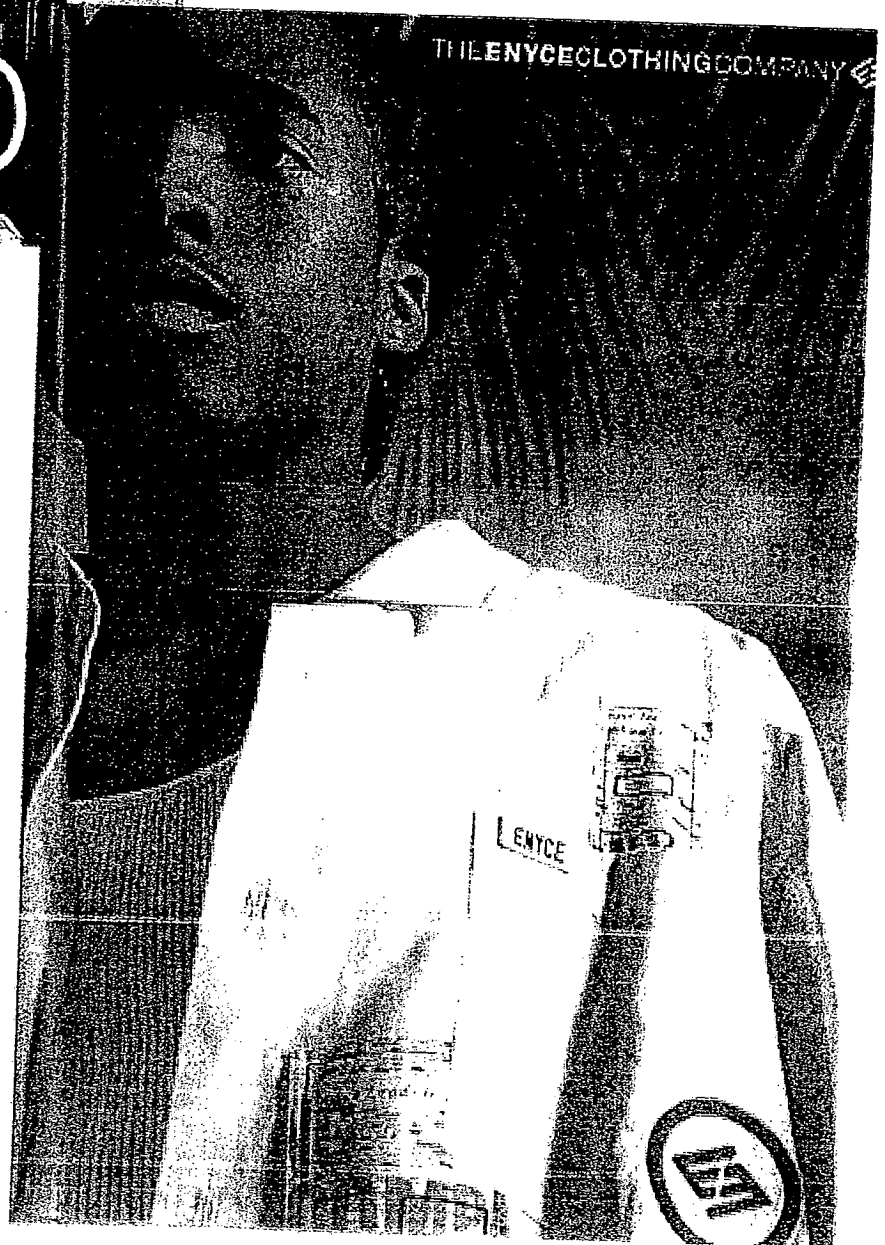
ISSUE 17
SPRING 03



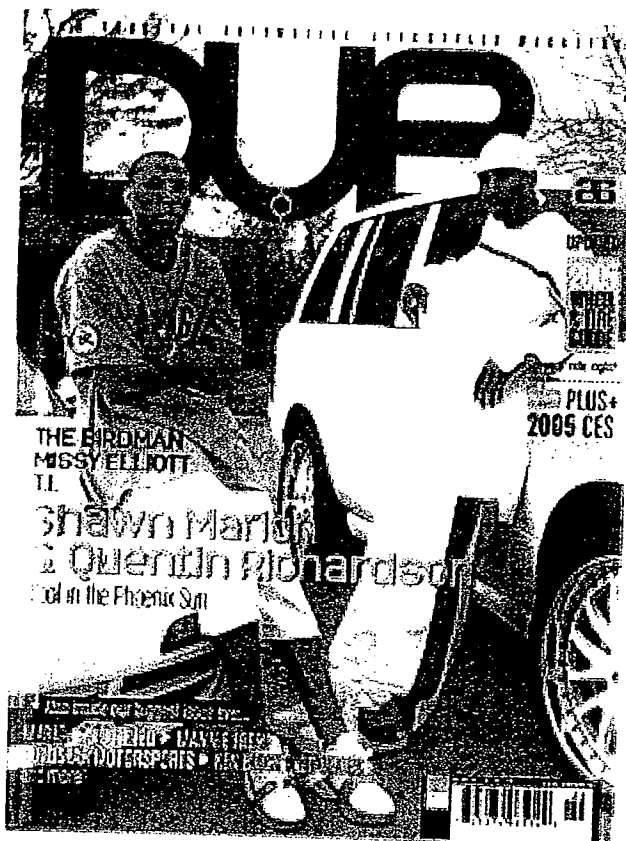
EN000174



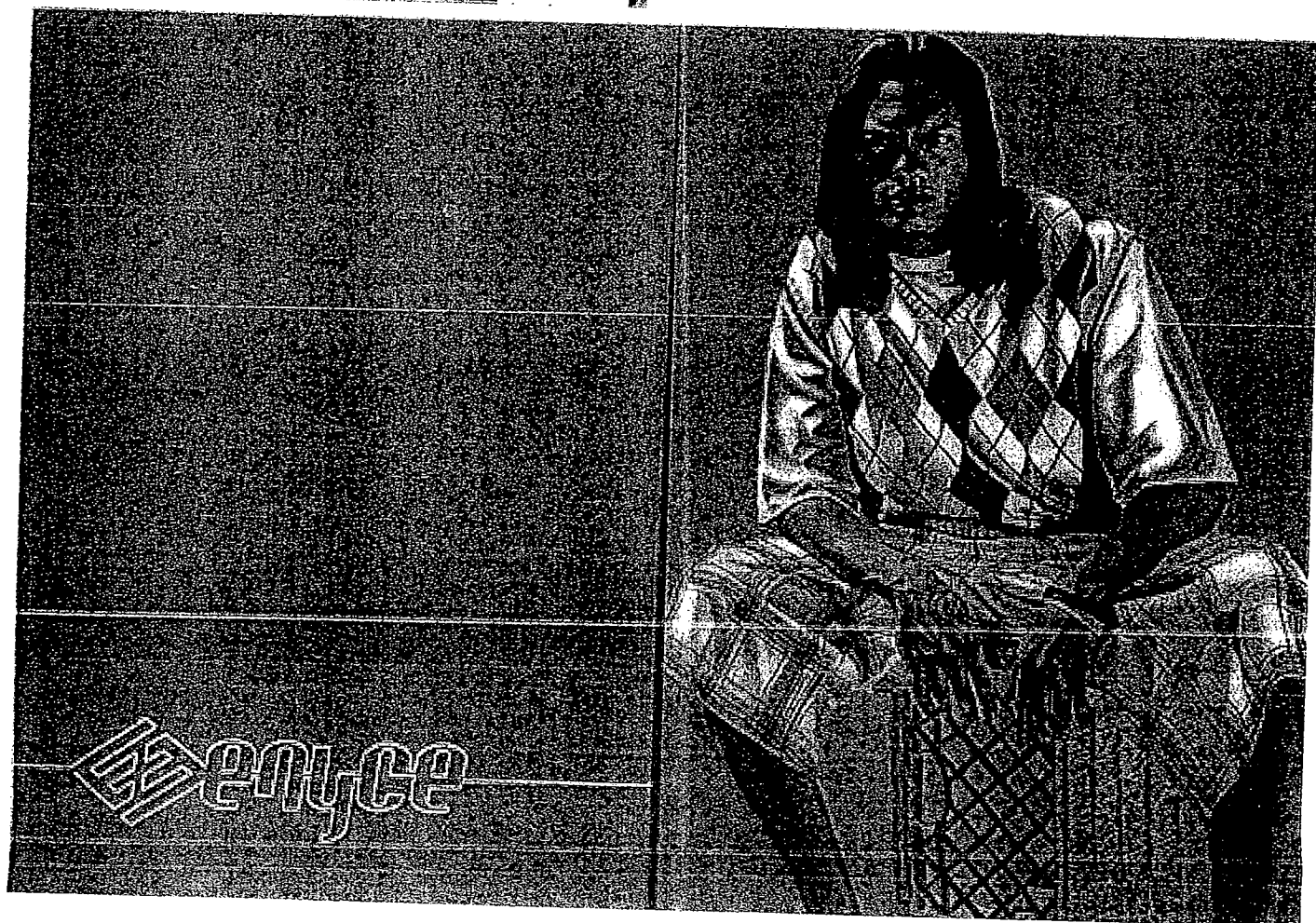
ISSUE 19
SUMMER 04



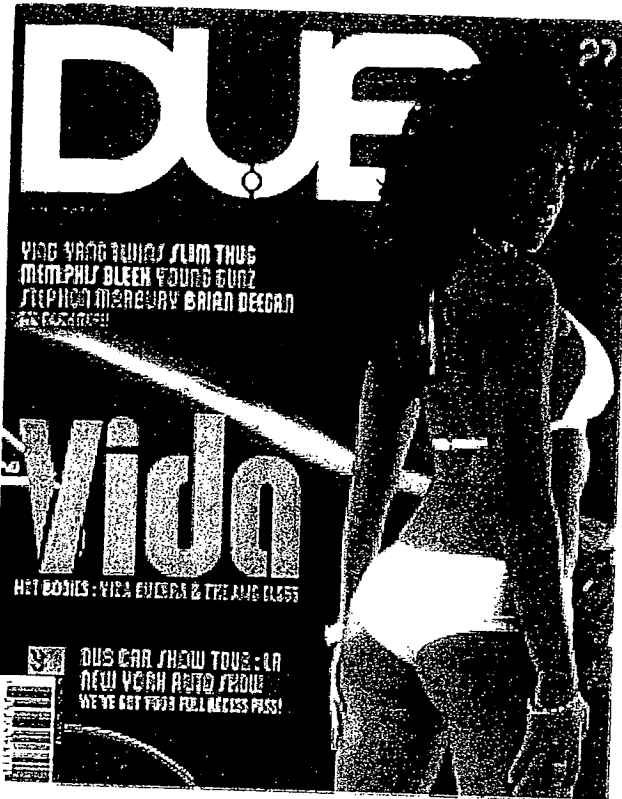
EN000175



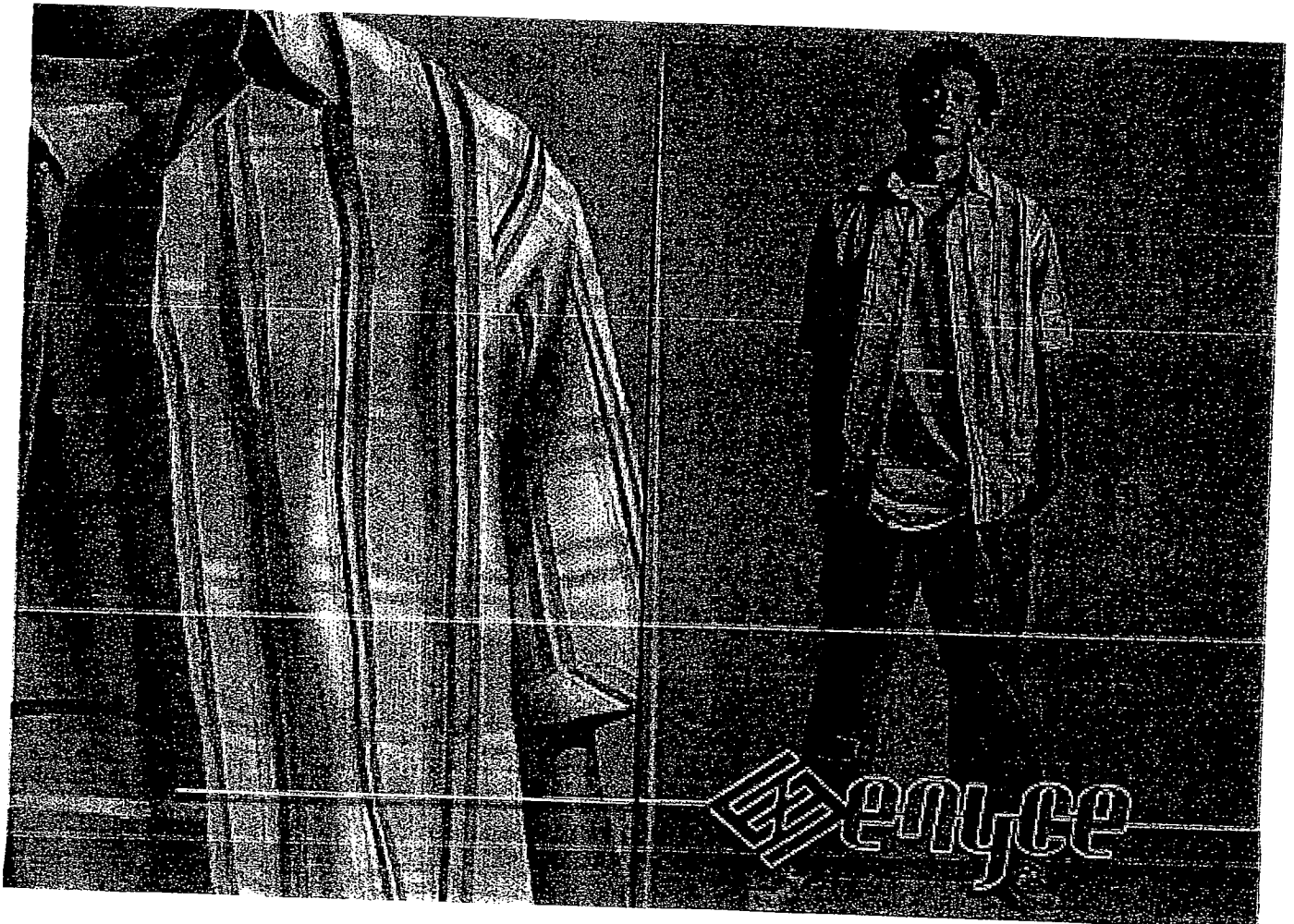
ISSUE 26
SUMMER 05



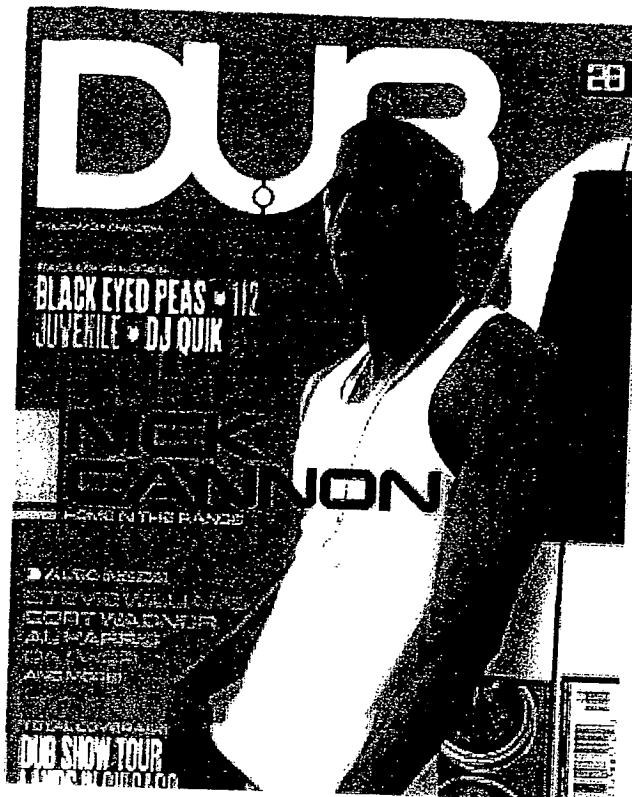
EN000176



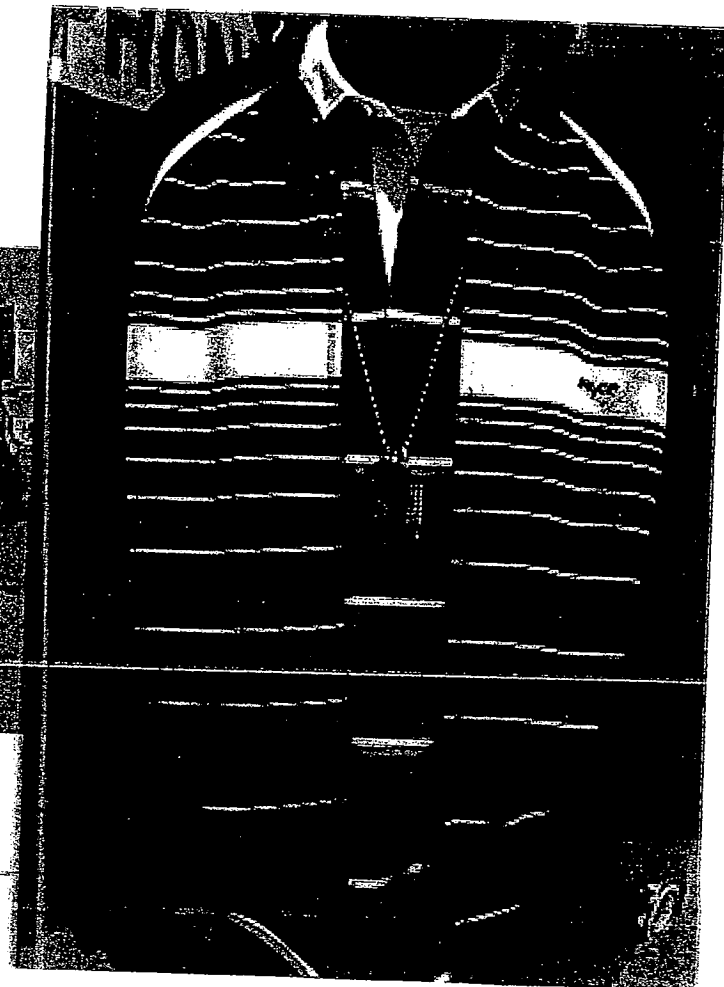
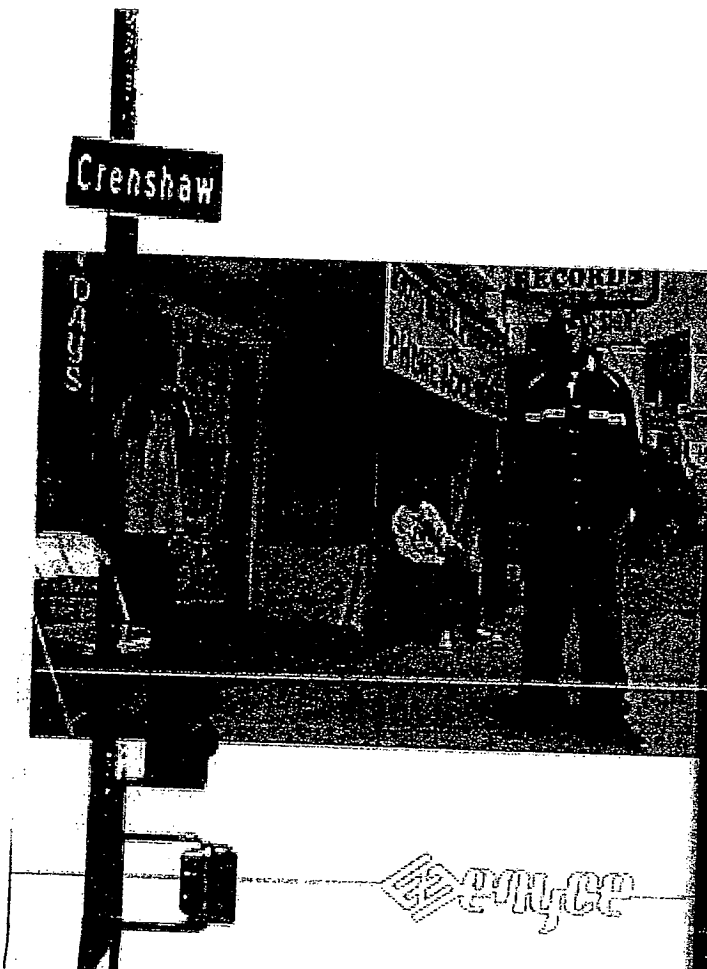
ISSUE 27
SUMMER 05



EN000177



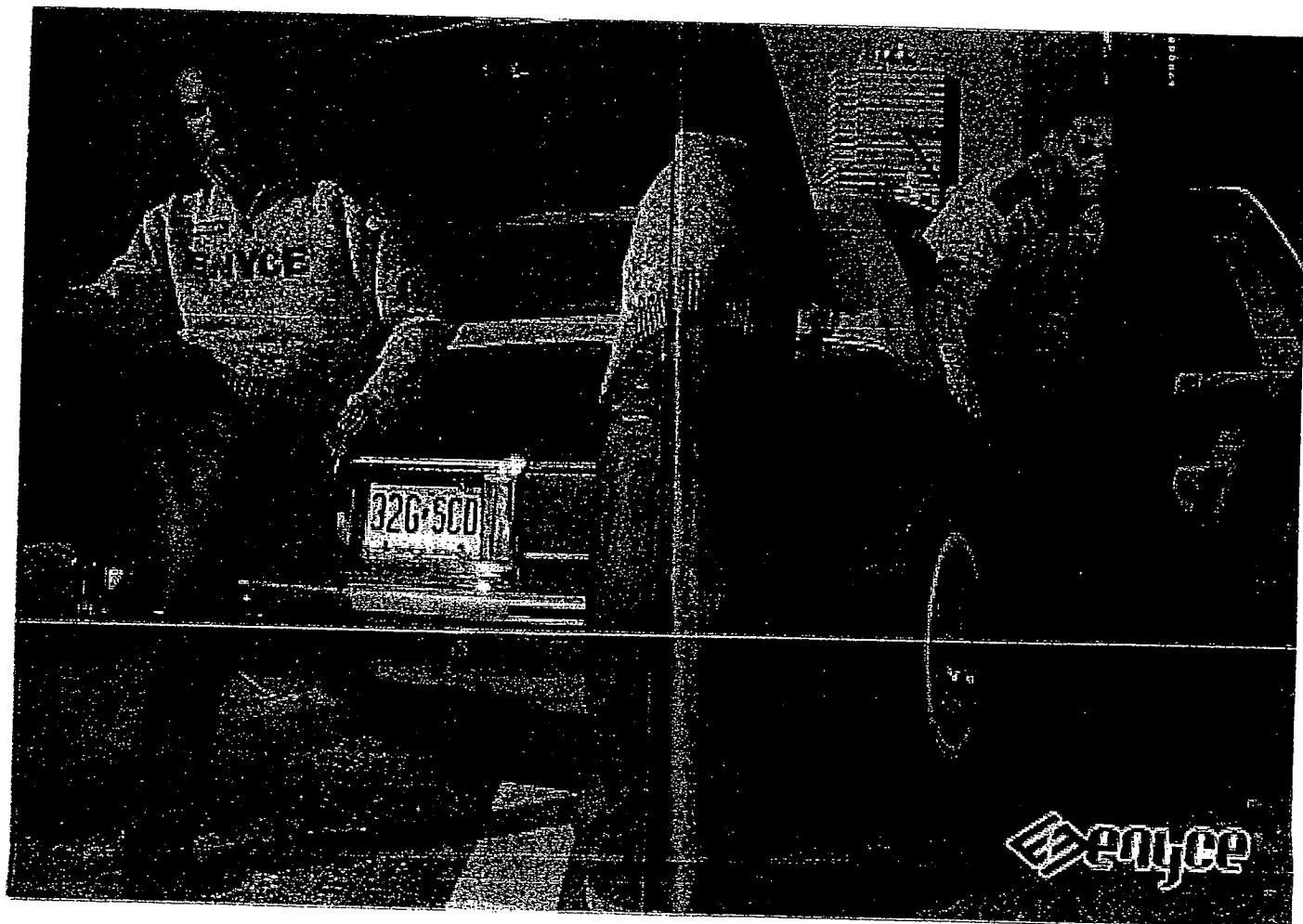
ISSUE 28
FALL 05



EN000178



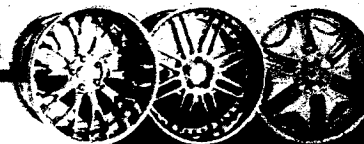
ISSUE 30
WINTER 05



EN000179

THE ORIGINAL AUTOMOTIVE LIFESTYLES MAGAZINE

WHEEL & TIRE GUIDE



DUB

E-40
MOBB DEEP
CHAD REED
SHAWN MERRIMAN
AHMAN GREEN
LIL' EAZY-E
ANTONIO TAVARES

FAST 414HP
AUDI RS4

MIAMI
DUB SHOW

TA rhythm

BIG BANGIN' IN THE NEW
MERCEDES S 550 AND MURCIELAGO ROADSTER

NEW MERCEDES-BENZ GL-CLASS
HIGH END TUNER. NOVITEC ROSSO

\$5.25 US :: \$6.85 CAN

JUNE-JULY 2006



35

0 74470 98514 3

EN000383

L.C. Licensing v. Berman
Opp. No. 91,162,330
Opp. Ex. M



EN000384

enyce



THE ORIGINAL AUTOMOTIVE LIFESTYLES MAGAZINE

TEST DRIVE THE SEXY

DUB

DUBMAGAZINE.COM

GET EDUCATED:

36

DIVE

PLUS

CAR SHOW MADNESS
IN

INVADES THE SOUTH

ROCKING HELL WITH THE

L.C. Licensing v. Berman
Opp. No. 91,162,330
Opp. Ex. N

MATT LEINART • DEM FRANCHIZE BOYZ

NE-YO • MARTIN BROS. BIKES

\$5.25 US :: \$6.85 CAN

AUGUST-SEPTEMBER 2015

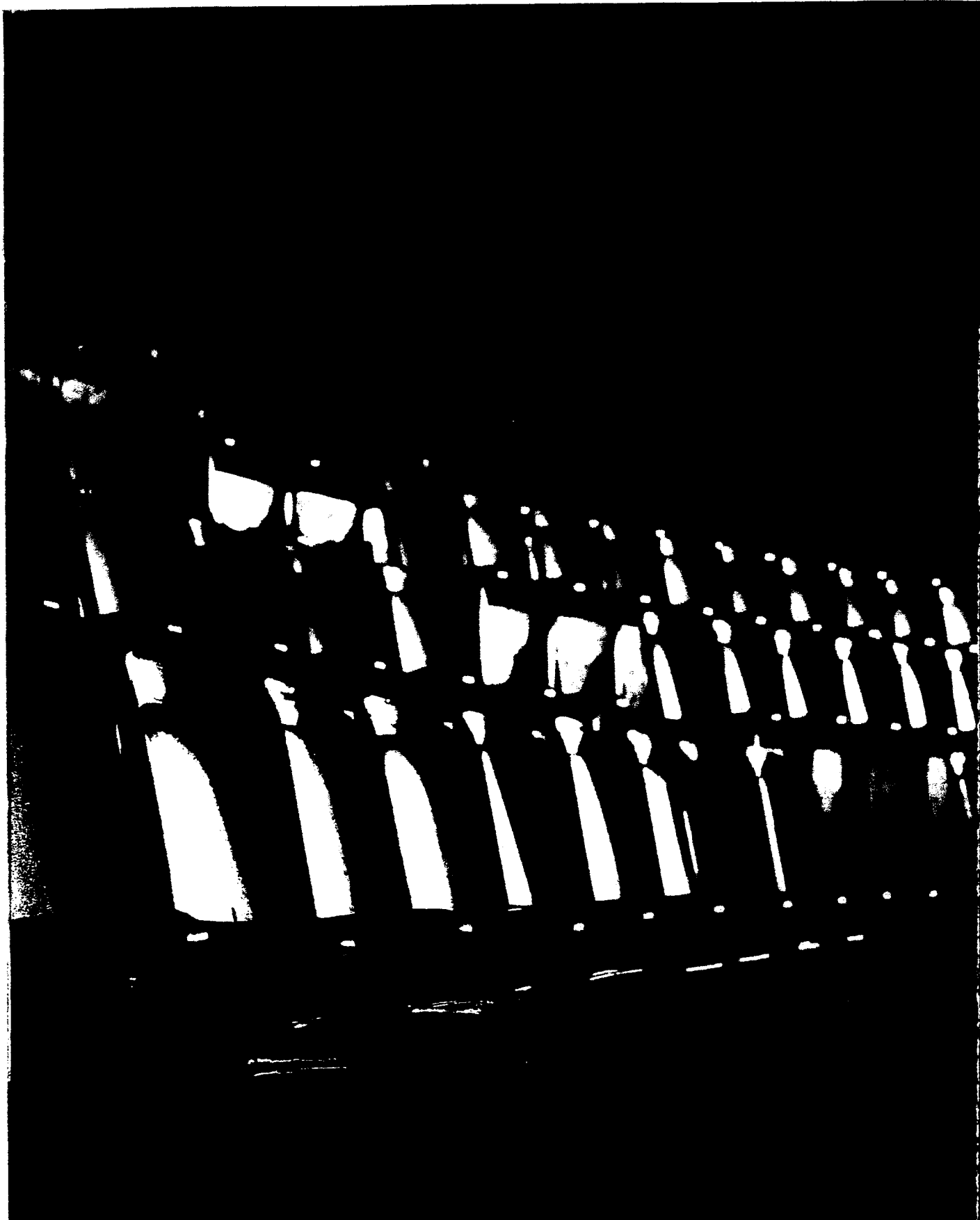


36

EN000385



EN000386



Wenye TM

THE ORIGINAL AUTOMOTIVE LIFESTYLES MAGAZINE

FAST AUTO SHOW COVERAGE
LOS ANGELES • DETROIT

22

DUB EDITION
HARLEY-DAVIDSON

FIRST LOOK

DUBMAGAZINE.COM



DUB TOUR
COVERAGE!
&

STRENGTH IN NUMBERS

&DTP

ALSO

HUGH DOUGLAS

PAUL WALL

2005 SEMA SHOW

SEAN PAUL

\$5.25 US :: \$6.85 CAN

MARCH 2006

32



0 74470 98514 3

EN000387

L.C. Licensing v. Berman
Opp. No. 91,162,330
Opp. Ex. 0



EN000388



Enyce

CHARGER

DUB EDITION

Performance Exhaust System
Master Gear
22" Wheels And Tires
Low Profile Sport Suspension
Air Intake System
Audio/Video System
On Board Computer System
Slats Interior
Door Sills
Chrome Badges
Chrome Pedal Kit

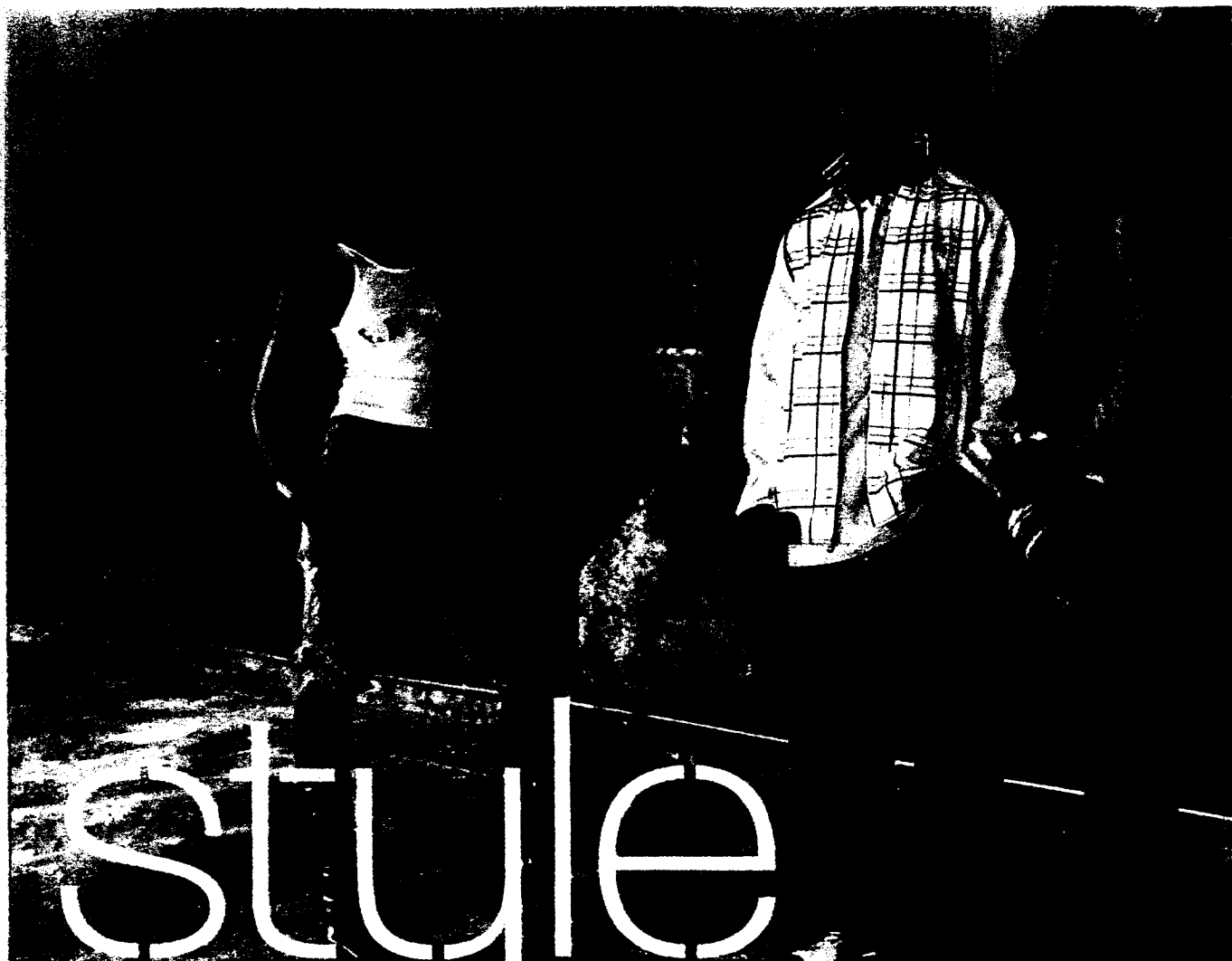
and more - for more information visit:
dubedition.com

EN000389

DUB
EDITION

DUB Edition™ vehicles are all about making a bold statement. Each vehicle is customized to DUB® specifications to insure that every ride is authentic and unlike anything else on the streets.

©2007 DUB EDITION LLC. ALL RIGHTS RESERVED.



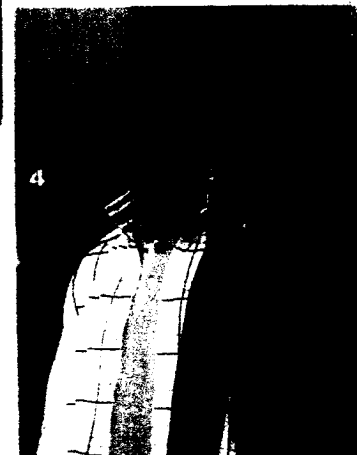
URBAN ARSENAL: ENYCE, AZZURE, SOUTHPOLE, LRG

ENYCE

1. RIB C-KINMA TANK, \$34
2. ENYCE OVERLO CARGO PANTS, \$55
3. CAP WITH BOLD CHIN WAIL, \$55
4. PLAIN POLY TRACK JACKET, \$90
5. ALT IR WITH RUFFLES, \$48



WWW.ENYCE.COM



ORIGINAL BUYER'S GUIDE FOR MEN

FEBRUARY/MARCH


complex

PEAKERS,
ANS, AND
IES TO
ST OVER

LYWOOD
CIAL

DOWN BY LAW!
NAOMI CAMPBELL
SHOWS OFF HER
LEGAL BRIEFS

PAUL WALKER
GHOSTFACE
SPIKE LEE
THE STOKES
LAWRENCE

L.C. Licensing v. Berman
Opp. No. 91,162,330
Opp. Ex. 

EN000390

DISPLAY UNTIL APRIL 10

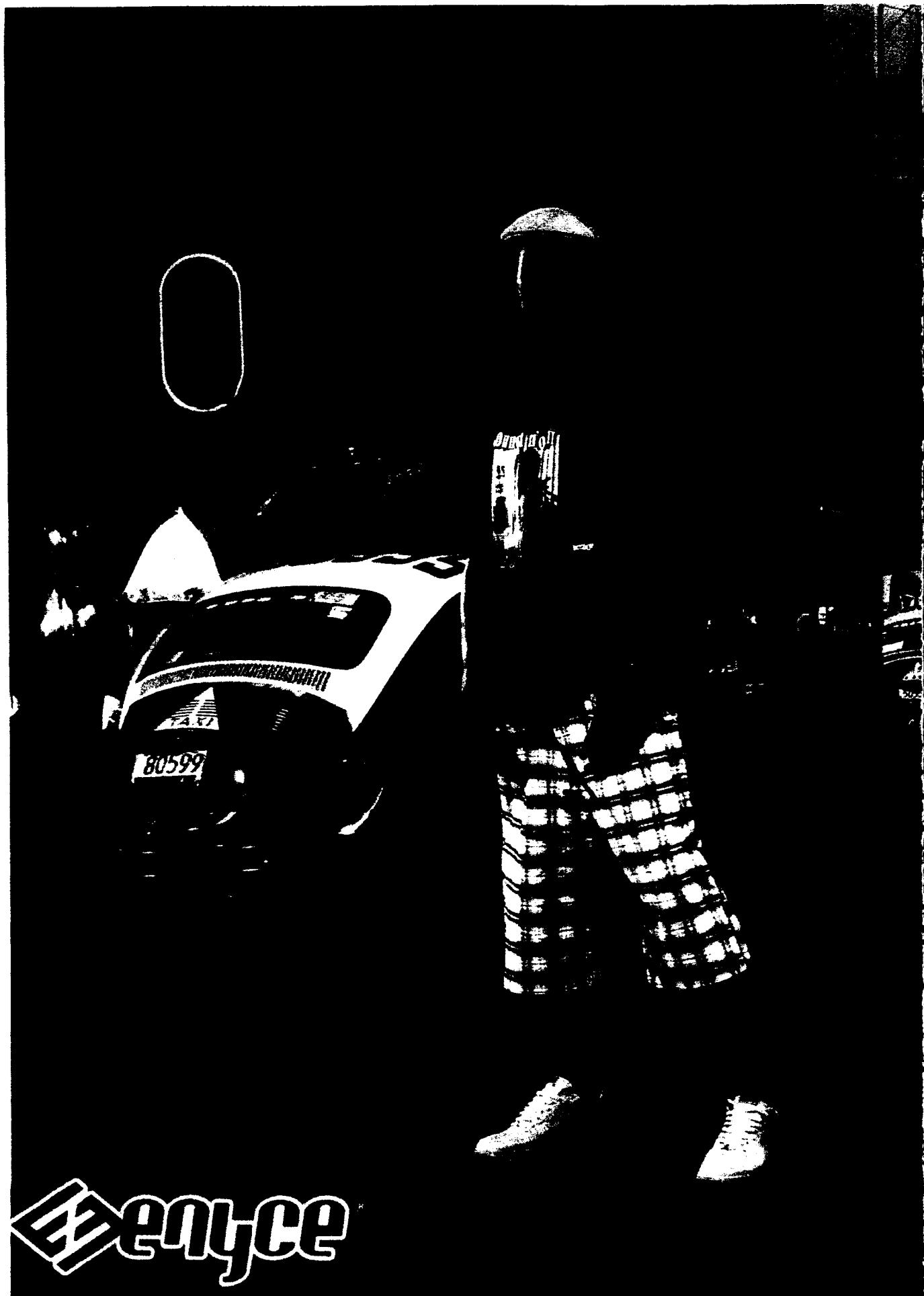
\$4.99US \$5.99CAN



03>



EN000391



enyce

FASHION | BEAUTY | CULTURE | LIFESTYLE | MUSIC

VIBE VIXEN

WEAR
STILETTOS
WITHOUT
THE PAIN

SPRING FEVER!

168

TIPS FOR FLAWLESS
SKIN AND HAIR
PLUS: RUNWAY
LOOKS FOR LESS

BEYONCÉ'S
PERFECT
JEANS

TAKE
CONTROL
OF YOUR
SEX LIFE

BEST-FITTING
BRAS

U.S. \$3.99/CAN. \$5.50 SPRING 2006



70989 35396
www.vibevixen.com
Display until May 16, 2006

L.C. Licensing v. Berman
Opp. No. 91,162,330
Opp. Ex. Q

EN000392

KIM K LEE SIMMONS

DOWN TO EARTH OR OUT OF THIS WORLD?



EN000393



enjoyce

32G-SCD

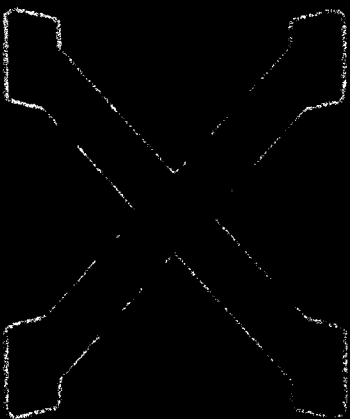
ENYCE



L.C. Licensing v. Berman
Opp. No. 91,162,330
Opp. Ex. 5

EN000335

10th Anniversary Gallery



10TH ANNIVERSARY GALLERY

1996 1997

1998 1999 2000 2001 2002 2003 2004 2005 2006

Enyce in Mexico



L.C. Licensing v. Berman
Opp. No. 91,162,330
Opp. Ex. T

10th Anniversary Gallery



"We put a label on a garment,
not a garment on a label."

Evan Davis, Co-founder

Friends and business partners Evan Davis,
Lando Felix, and Tony Shellman launch their
new clothing company on March 18.

However, by the summer, with clothing already
designed and produced, the trio still has no

1996

1997

1998

1999 2000 2001 2002 2003 2004 2005 2006

Enyce in Mexico



Enyce Clothing Company 10th Anniversary Gallery



"A definite must have is really just one of the basics - the Enyce velour. Dead on, women or men, this is a must have in your wardrobe."

Linda Felix, Co-Founder, Executive Vice President

This is a year of E-introductions - as the company brings back vintage fabrics and prints

1996 1997 1998 1999 2000 2001 2002 2003 2004 2005 2006

Enyce in Mexico



Enyce Clothing Company
10th Anniversary Gallery



"The ladies' line is not just a shrunken down version of the men's Enyce line. Lady Enyce is designed with the woman who knows what she wants in mind."

Lisa Myrland, Founding Creative Director, Lady Enyce

1996 1997 1998 1999 2000 2001 2002 2003 2004 2005 2006

Enyce in Mexico



Enyce Clothing Company
10th Anniversary Gallery



"The person who wears Lady
Enyce has a lot of
personality...she's an
individual. She's funky,
diverse, cross-cultural...hip
yet sophisticated."

1996 1997 1998 1999 2000 2001 2002 2003 2004 2005 2006

Enyce in Mexico



Enyce Clothing Company
10th Anniversary Gallery



"In the summer of 2000, it seemed all of a sudden we were seeing the product everywhere. We achieved what we set out to do, and in the process gained real credibility."

Chaka Wilson, VP of Marketing, Enyce

1996 1997 1998 1999 2000 2001 2002 2003 2004 2005 2006

Enyce in Mexico



Enyce Clothing Company
10th Anniversary Gallery



"We've had an excellent start.
But, this has just been
Chapter One...now, it's time
to work on the next chapter to
ensure our longevity in this
business."

Tony Shellman, Co-founder

1996 1997 1998 1999 2000 2001 2002 2003 2004 2005 2006

Enyce in Mexico



10th Anniversary Gallery



"Enyce and Lady Enyce represent different vocabularies of fashion, all packaged with an urban feel."

Michaela Angela Davis - Fashion Director, Honey Magazine

Although the brand and team has stuck to its guns and never relies on celebrity endorsements to sell the line, it has not stopped

1996 1997 1998 1999 2000

2001

2002

2003

2004

2005 2006

Enyce in Mexico



Enyce Clothing Company
10th Anniversary Gallery



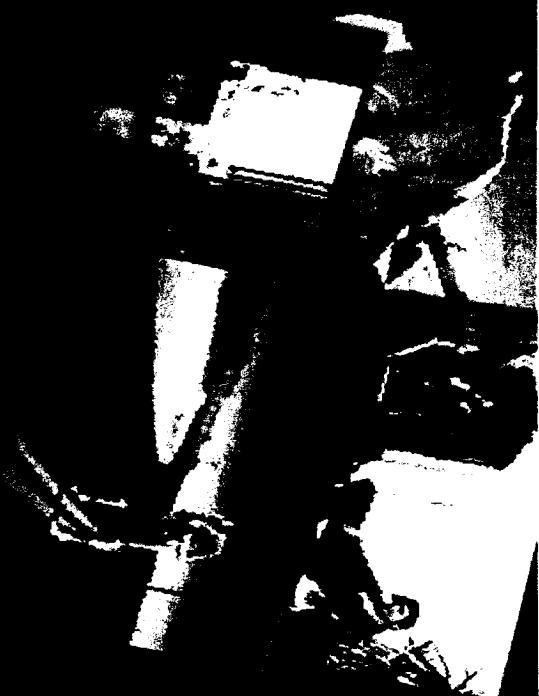
"The ladies' and men's brands maintain unique, individual personalities while leveraging each other's resources to collaborate and build a common corporate identity for The Enyce

1996 1997 1998 1999 2000 2001 2002 2003 2004 2005 2006

Enyce in Mexico



10th Anniversary Gallery



"2004 ADD TEXT HERE,
individual personalities while
leveraging each other's
resources to collaborate and
build a common corporate
identity for The Enyce
Clothing Company."

Lando Felix, Co-Founder & Executive Vice President

1996 1997 1998 1999 2000 2001 2002 2003 2004 2005 2006

Enyce in Mexico



Enyce Clothing Company
10th Anniversary Gallery



1996 1997 1998 1999 2000 2001 2002 2003

"2005 ADD TEXT HERE,
individual personalities while
leveraging each other's
resources to collaborate and
build a common corporate
identity for The Enyce
Clothing Company."
Linda Perry, Co-founder & Executive Vice President

2004 2005 2006

Enyce in Mexico



10th Anniversary Gallery



"But most of all, we'd like to thank our Customers with whom we continue building this relationship. We accept the design challenges to create product that complements your ever

1996 1997 1998 1999 2000 2001 2002 2003 2004

2005 2006

Enyce in Mexico



Enyce Clothing Company
10th Anniversary Gallery



FALL / HOLIDAY 2006 COLLECTION

From Fall to Holiday
10th Anniversary Collection

Enyce in Mexico



Enyce Clothing Company
10th Anniversary Gallery

Enyce in Mexico



Enyce Clothing Company
10th Anniversary Gallery



FALL / HOLIDAY 2006 COLLECTION

Enyce Clothing Company
10th Anniversary Gallery



Enyce in Mexico

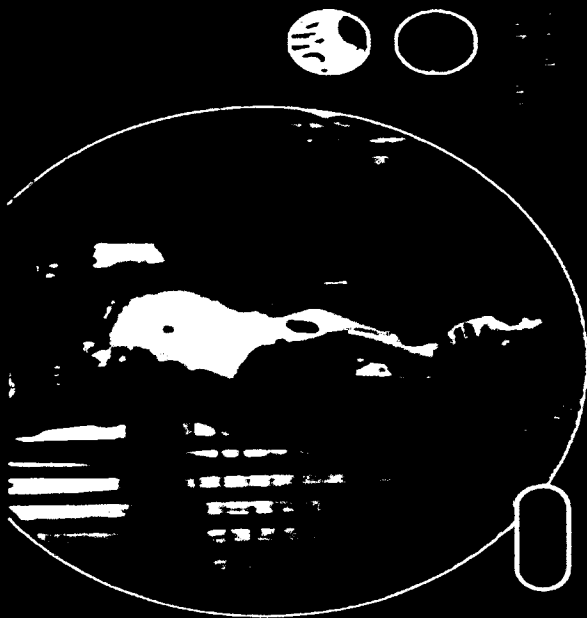


Enyce Clothing Company
10th Anniversary Gallery



FALL / HOLIDAY 2006 COLLECTION

From Fall to Holiday, Enyce Clothing Company has a collection of clothing for everyone.



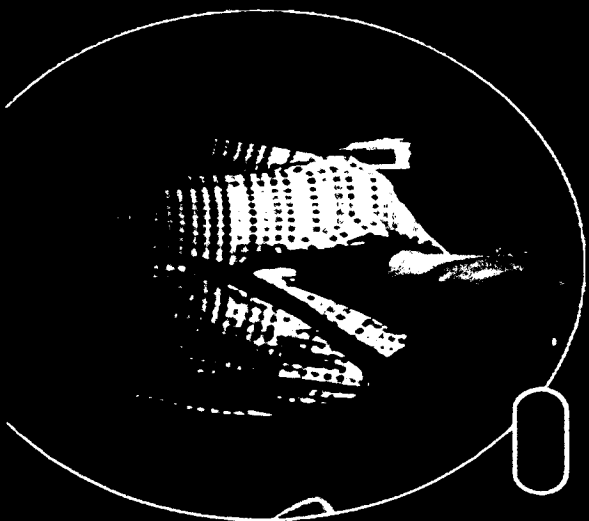
Enyce in Mexico



Enyce Clothing Company
10th Anniversary Gallery



FALL / HOLIDAY 2006 COLLECTION



Enyce in Mexico

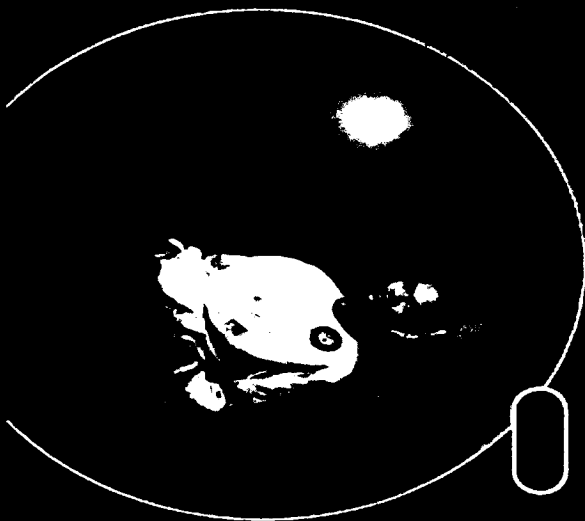


Enyce Clothing Company
10th Anniversary Gallery



FALL / HOLIDAY 2006 COLLECTION

For more information, please visit our website at www.enyce.com



Enyce in Mexico

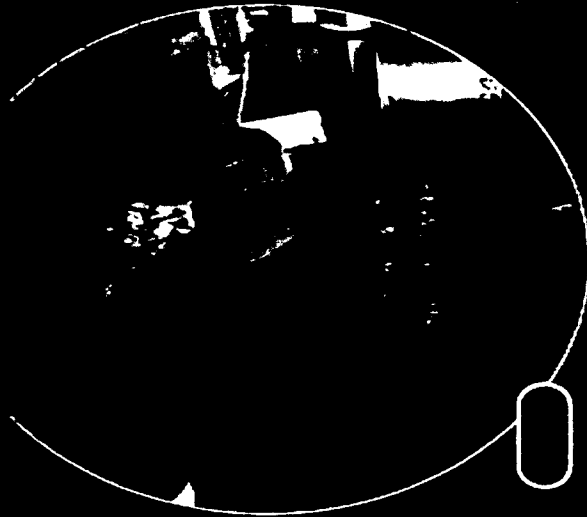


Enyce Clothing Company
10th Anniversary Gallery



FALL / HOLIDAY 2006 COLLECTION

Enyce Clothing Company
Fall / Holiday 2006 Collection
Enyce Clothing Company



Enyce in Mexico

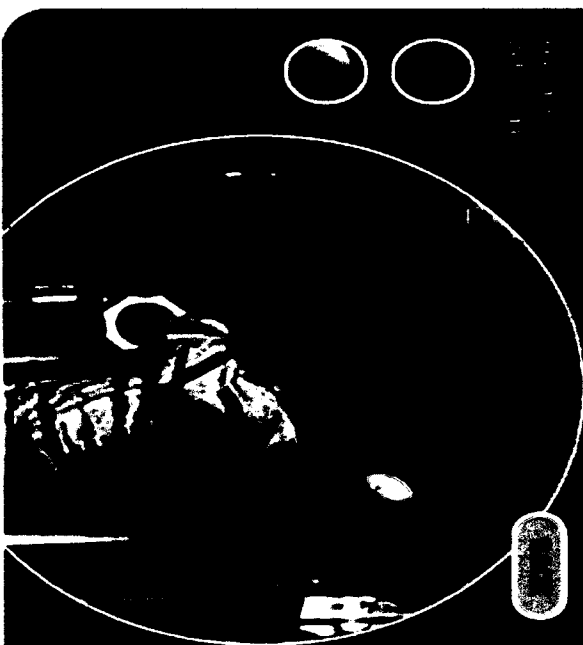


Enyce Clothing Company
10th Anniversary Gallery



FALL / HOLIDAY 2006 COLLECTION

Move your mouse left or right to see
more items. Click to see more info.



Enyce in Mexico



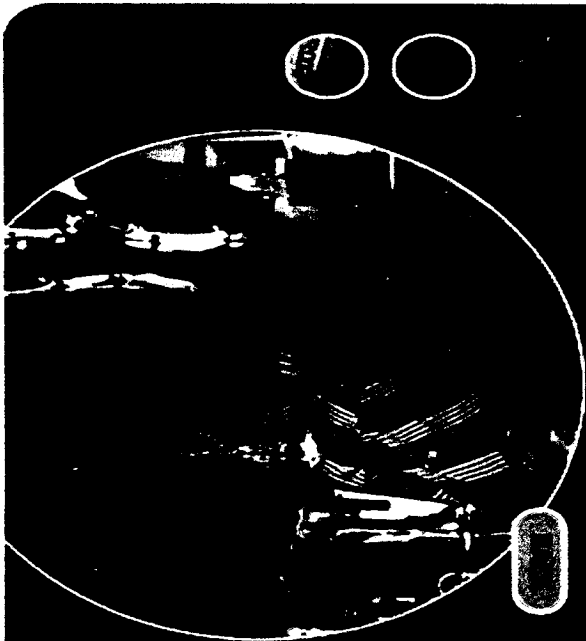
10th Anniversary Collection

Enyce Clothing Company
10th Anniversary Gallery
Click here

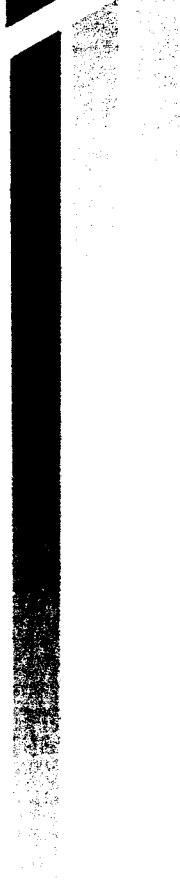


FALL / HOLIDAY 2006 COLLECTION

More information left or right to see more items. Click to see more items.



Enyce in Mexico

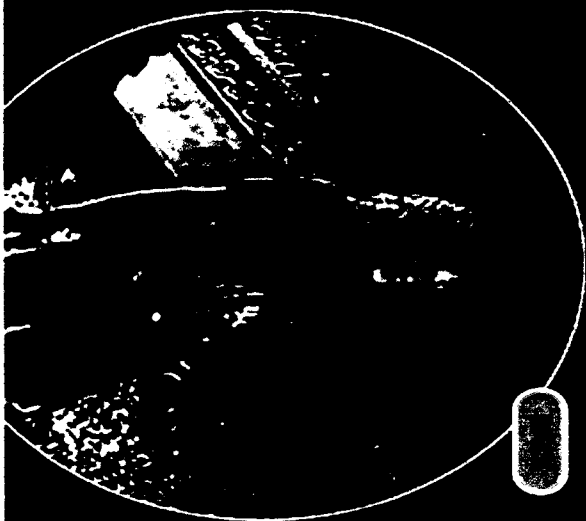


Enyce Clothing Company
10th Anniversary Gallery



FALL / HOLIDAY 2006 COLLECTION

More to see left or right to see
more items. Click to see more items.



Enyce in Mexico



FALL / HOLIDAY 2006 COLLECTION

Enyce Clothing Company
10th Anniversary Gallery



FALL / HOLIDAY 2006 COLLECTION

More information is available at
www.enyce.com



Enyce in Mexico



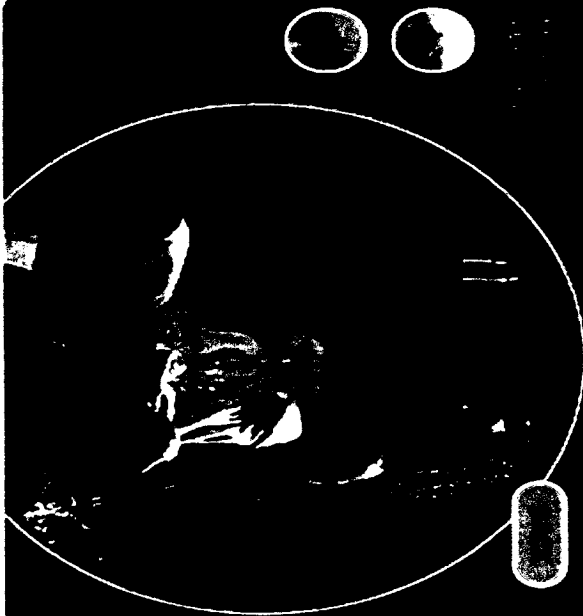
12/4/2006 4:39

Enyce Clothing Company
10th Anniversary Gallery



FALL / HOLIDAY 2006 COLLECTION

More information available at www.enyce.com
More details click to see more info.



Enyce in Mexico



ENTER FOR A CHANCE TO WIN

MACY'S Presents:

The ENYCE "Ride With Me" Sweepstakes



Enyce 10th Anniversary Limited Edition Classic Car
(customization courtesy of Hip-Hop Star
T.L. Elite Auto Concierge).

Entries accepted Feb. 1, 2006 - Feb. 14, 2006 at
Macy's • Lenox Square, Northlake, Greenbriar,
South Dekalb, Cumberland, Perimeter and Southlake.

Live Winner's Drawing: February 17 from 6PM - 8PM
ENYCE Department @ Macy's Lenox Square.

* Car on display at Lenox Square Mall

Condensed Rules: NO PURCHASE NECESSARY.

Prize is a custom painted 1967 Cadillac DeVille. Winner must be 18 years of age or older at time of drawing. Winner need not be present at drawing. Sweepstakes ends 2/14/06. Odds of winning are 1 in 10,000. Prize is not redeemable for cash. Void where prohibited. © 2006 Macy's, Inc.

See store for complete rules and regulations.

★ macy's way to shop

L.C. Licensing v. Berman
Opp. No. 91,162,330
Opp. Ex. u

5

EN000336



L.C. Licensing v. Berman
Opp. No. 91,162,330
Opp. Ex. ☒

3

EN000340



EXHIBIT

L.C. Licensing v. Berman
Opp. No. 91,162,330
Opp. Ex. W

EN000342



L.C. Licensing v. Berman
Opp. No. 91,162,330
Opp. Ex. X

3

EN000341

ENTER FOR A CHANCE TO WIN

MACY'S Presents

The ENICE "Made With Me" Sweepsstakes

ENICE "Made With Me" Sweepsstakes



Enter for a chance to win a \$10,000 cash prize by completing and mailing in the ENICE "Made With Me" Sweepsstakes form.

The ENICE "Made With Me" Sweepsstakes is open to all who are at least 18 years old at the time of entry.

Entries must be received by Macy's, Inc., 150 W. 50th St., New York, NY 10019, by the deadline date of 11:59 PM on December 31, 1991.

For a complete list of participating retailers, please see the ENICE "Made With Me" Sweepsstakes form.

For a complete list of participating retailers, please see the ENICE "Made With Me" Sweepsstakes form.

For a complete list of participating retailers, please see the ENICE "Made With Me" Sweepsstakes form.

For a complete list of participating retailers, please see the ENICE "Made With Me" Sweepsstakes form.

For a complete list of participating retailers, please see the ENICE "Made With Me" Sweepsstakes form.

For a complete list of participating retailers, please see the ENICE "Made With Me" Sweepsstakes form.

For a complete list of participating retailers, please see the ENICE "Made With Me" Sweepsstakes form.

For a complete list of participating retailers, please see the ENICE "Made With Me" Sweepsstakes form.

For a complete list of participating retailers, please see the ENICE "Made With Me" Sweepsstakes form.

For a complete list of participating retailers, please see the ENICE "Made With Me" Sweepsstakes form.

L.C. Licensing v. Berman
Opp. No. 91,162,330
Opp. Ex. 2

EN000339

DUB

39 THIRTY-NINE



DUB

CHRIS

EGYPT COURTNEY HANSEN WEST COAST CUSTOMS

CIARA

Shows Us Her Goodies:

PLUS

WASHINGTON, D.C.
HOUSTON, TX
ST. LOUIS, MO

also

WITH COLLIPARK MUSIC

THE NFL'S FINEST RIDES
PART II

FUEL REVOLUTION
PART II

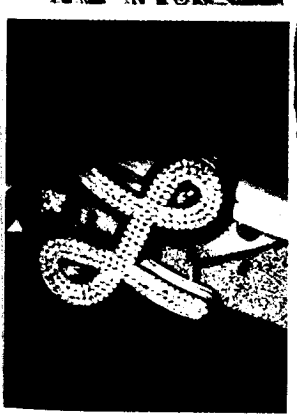
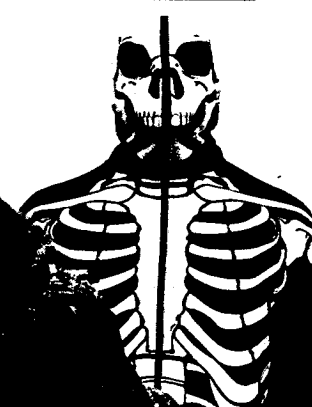
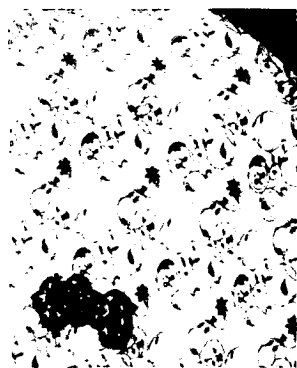
\$5.25 US :: \$6.85 CAN

JANUARY 2007



39.

L.C. Licensing v. Berman
Opp. No. 91,162,330
Opp. Ex. AA



LRG

IT'S ALL FUN AND GAMES UNTIL SOMEONE GETS FLY

SKOTCH

CONCEPT - YOU ALREADY KNOW

LRG Skate Video Coming Soon www.L-R-G.COMmunity ph:949.581.1144 fx:949.581.0077
* L.R.G., Lifted Research Group, and tree logos are internationally registered trademarks of Lifted Research Group Inc. © Lifted Research Group 2006



2007

TS07

Using lightweight alloys for the chassis and advanced composites for the body, the TS07 has been tested on tracks, where it has proven to offer high performance, agility and an exciting drive. The TS07, which was designed by Gregory Cambara, is made to be a reflection of the owner; thus, only 12 cars will be produced. The TS07 is available with 4-, 6- or 8-cylinder engines.

200-hp, 2-liter, 4-cylinder (optional 6- and 8-cylinder available)



2006

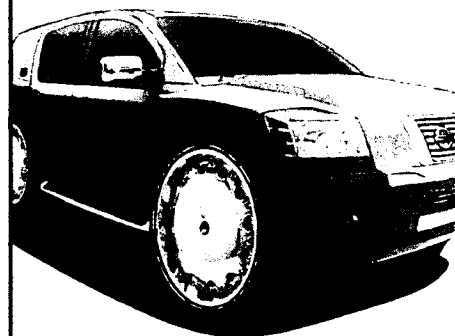
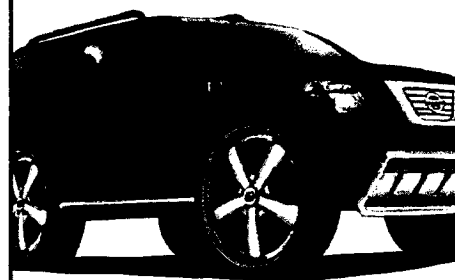
GT

Where to begin? The first thing you'll notice is probably the catchy paint job reminiscent of the Ford GT. Then, there are the gull-wing doors that can either open conventionally, or swing up. Wait a minute...are those? Yes, those are 30-inch Giovanna Caracas-8 wheels wrapped in Pirelli Scorpion Zero 315/30R30 tires. A GeigerCars high-performance brake system with 14.97-inch perforated and vented discs and eight-pot fixed calipers on the front axle provide deceleration performance when needed. The H2 was also lowered nearly 4 inches and equipped with sport sway bars for improved cornering. The interior includes carbon fiber accents, color-coded instruments and a thorough multimedia system. However, the real surprise lies under the hood, as GeigerCars upgraded the engine with a supercharger kit and exhaust system that includes special manifolds and a calibrated ECU. The result is 556 horsepower that takes the H2 from 0-60mph in 7.9 seconds.

556-hp, 6-liter supercharged V8

140 mph

\$250,526 and up



**NISSAN.
ECKO
UNLTD.
COM**

Nissan SUVs customized by Marc Eckō. Eckō apparel inspired by Nissan. Experience the coming together of two brands that are redefining urban design.

SHIFT unltd.

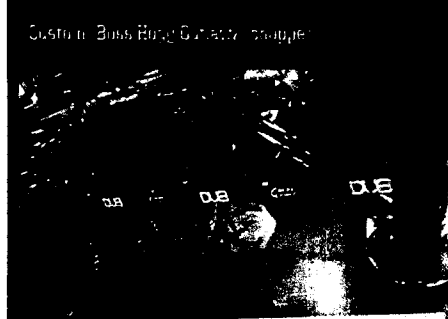


SHIFT



***eckō unltd.**

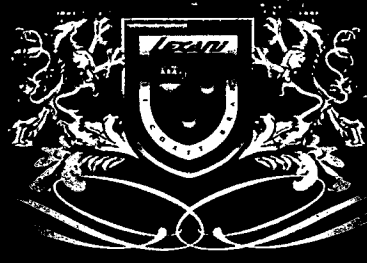
Nissan, the Nissan Brand Symbol, SHIFT, Shift and Nissan model names are Nissan trademarks. © 2006 Nissan North America, Inc.



ALL COAST BRAND

ALL COAST

*True
Luxury*



WWW.LEXANIFOOTWEAR.COM



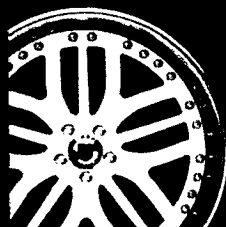
ASANTI



Unequaled Luxury

WORLD'S LARGEST SELECTION OF FORGED WHEEL CUSTOM FINISHES

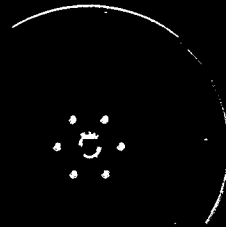
OVER 1,000 OEM AND CUSTOM PAINT COLORS AVAILABLE



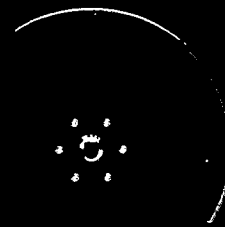
AT15 WITH
WHITE CENTER



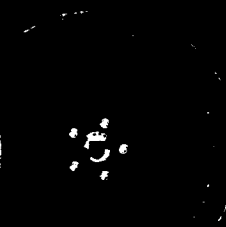
AT15 WITH
YELLOW CENTER



AT16 WITH
GREEN CENTER



AT16 WITH
PURPLE CENTER



AT20 WITH
RED CENTER



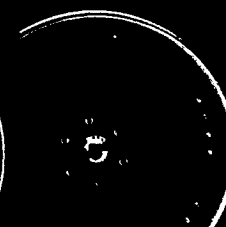
AT20 WITH
BLUE CENTER



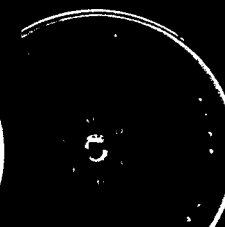
AT22 WITH
TEAL CENTER



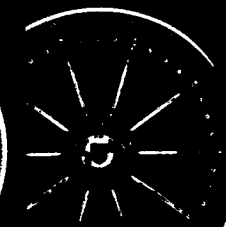
AT22 WITH
RED CENTER



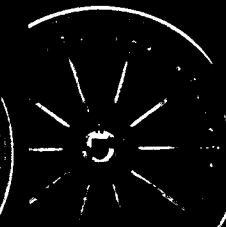
AT26 WITH
BLUE CENTER



AT26 WITH
RED CENTER



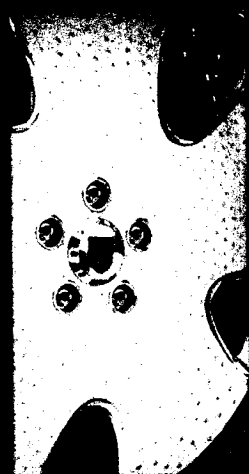
AT34 WITH
BLACK DUOTONE



AT34 WITH
RED DUOTONE

**OVER 40 CUSTOM LEATHER
COLOR FINISHES AVAILABLE**

**OVER 16 CUSTOM WOOD & CARBON FIBER
FINISHES AVAILABLE**



ASANTI WHEELS CUSTOM LEATHER FINISHES AVAILABLE

ASANTI WHEELS CUSTOM WOOD FINISHES AVAILABLE

ASANTI WHEELS CUSTOM CARBON FIBER FINISHES AVAILABLE

ASANTI WHEELS

ASANTI WHEELS

ASANTI WHEELS



ASANTI WHEELS CUSTOM DIAMOND & GEMSTONE FINISHES AVAILABLE

ASANTI WHEELS

ASANTI WHEELS

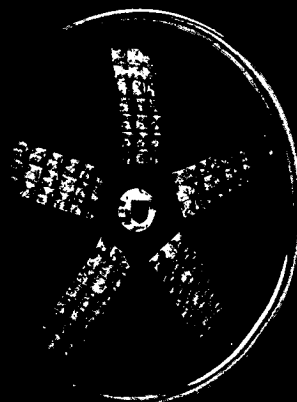
ASANTI WHEELS

ASANTI WHEELS CUSTOM DIAMOND & GEMSTONE FINISHES AVAILABLE

ASANTI WHEELS

ASANTI WHEELS

ASANTI WHEELS



**FROM 500 TO 63,000
TOTAL CARATS OF
150 CARAT PRINCESS CUT
CZ STONES**

**DIAMONDS &
PRECIOUS GEMS
FROM 1-100,000 STONES**



WWW.ASANTIWHEELS.COM

800-833-9700

NTI



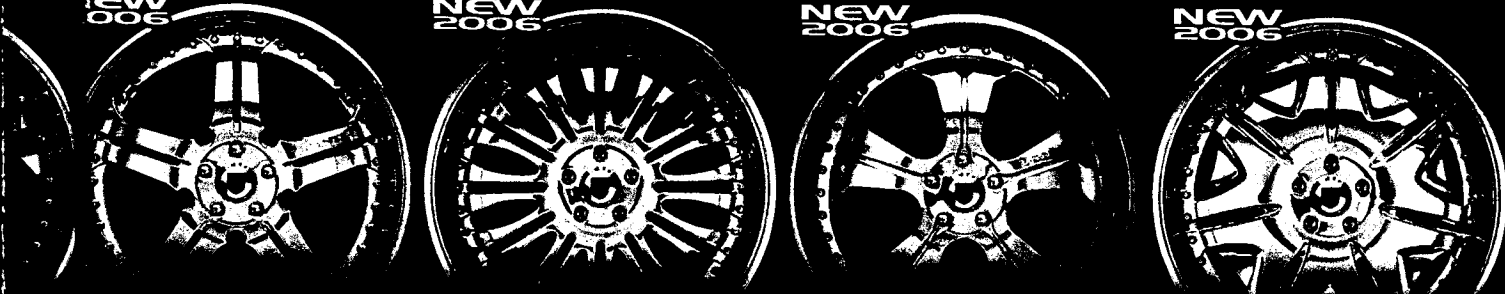
Unequaled Luxury

NEW
2006

NEW
2006

NEW
2006

NEW
2006



Accel.

AF 135 Chrome
19" • 20" • 22" • 24" • 26"

AF 137 Chrome
20" • 22" • 24" • 26"

AF 138 Chrome
20" • 22" • 24" • 26"

AF-b 139 Chrome
20" • 22" • 24" • 26"



AF 140 20"-24"

AF 115 19"-30"

AF 116 18"-30"

AF 128 18"-30"

AF 131 19"-30"



28"

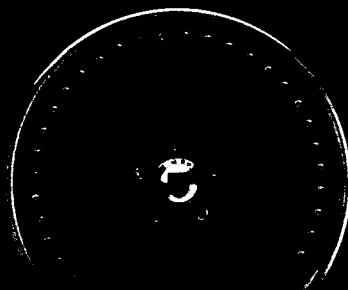
800-833-9700



NEW

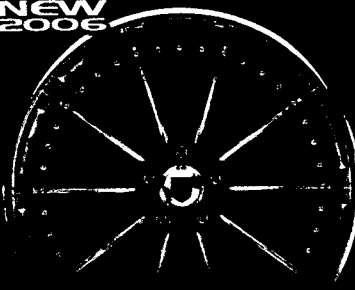
Downloads at
Lexanimobile.com

ASA



AF 122 Blk Center
19" • 20" • 22" • 24"

**NEW
2006**



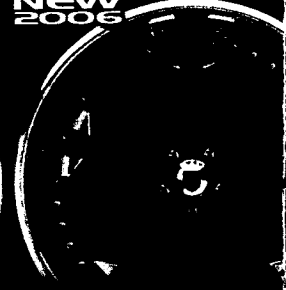
AF 134 Chrome w/Blk Acct.
19" • 20" • 22" • 24" • 26"

**NEW
2006**



AF 136 Chrome w/Blk Acct.
20" • 22" • 24" • 26"

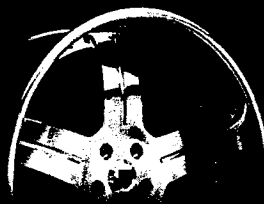
**NEW
2006**



AF 142 Blk w/Chrome
19" • 20" • 22" • 24"



AF 114 Spike



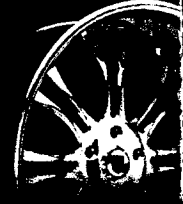
AF 118 18"-24"



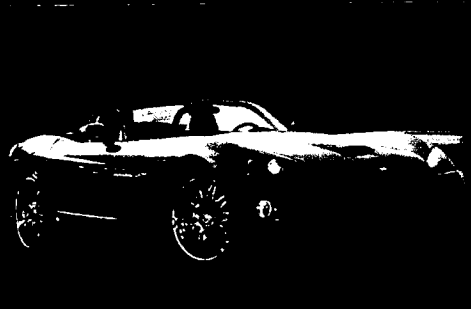
AF 120 18"-24"



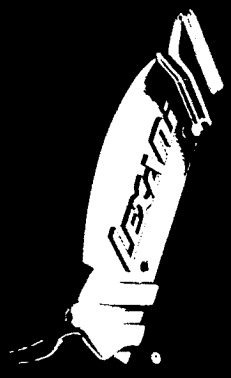
AF 123 19"-24"



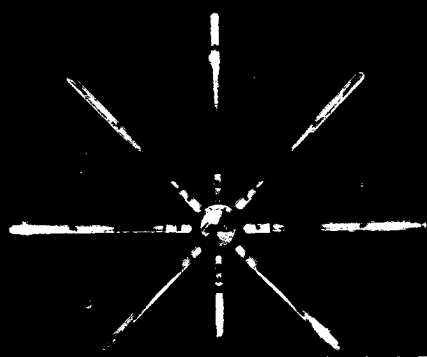
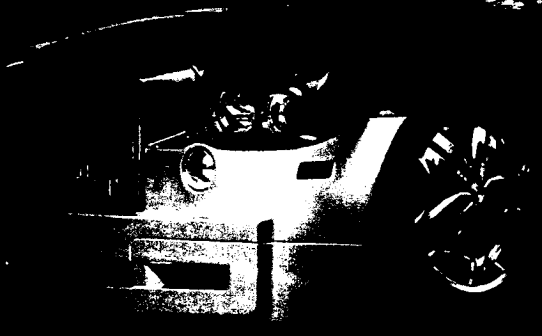
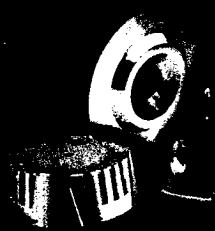
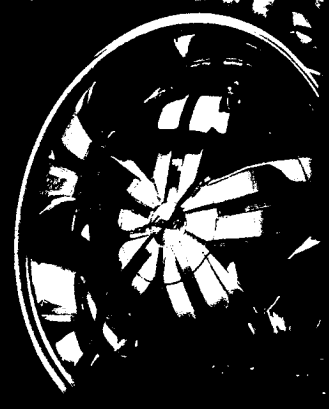
AF 132 19"



WWW.ASANTIWHEELS.COM



WHOLE YOU RIDE FOR



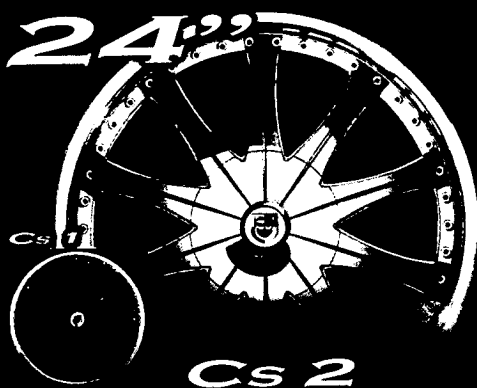
LX131 EFT™
EXTENDED FLANGE TECH.™
FWD/RWD 22"x8.5, 27"x9.5



MARQI II
FWD 18", 20" RWD 22", 24", 26"



IGNITE
FWD/RWD 22"x9 & 2



Cs 2
FWD / RWD 22", 24"

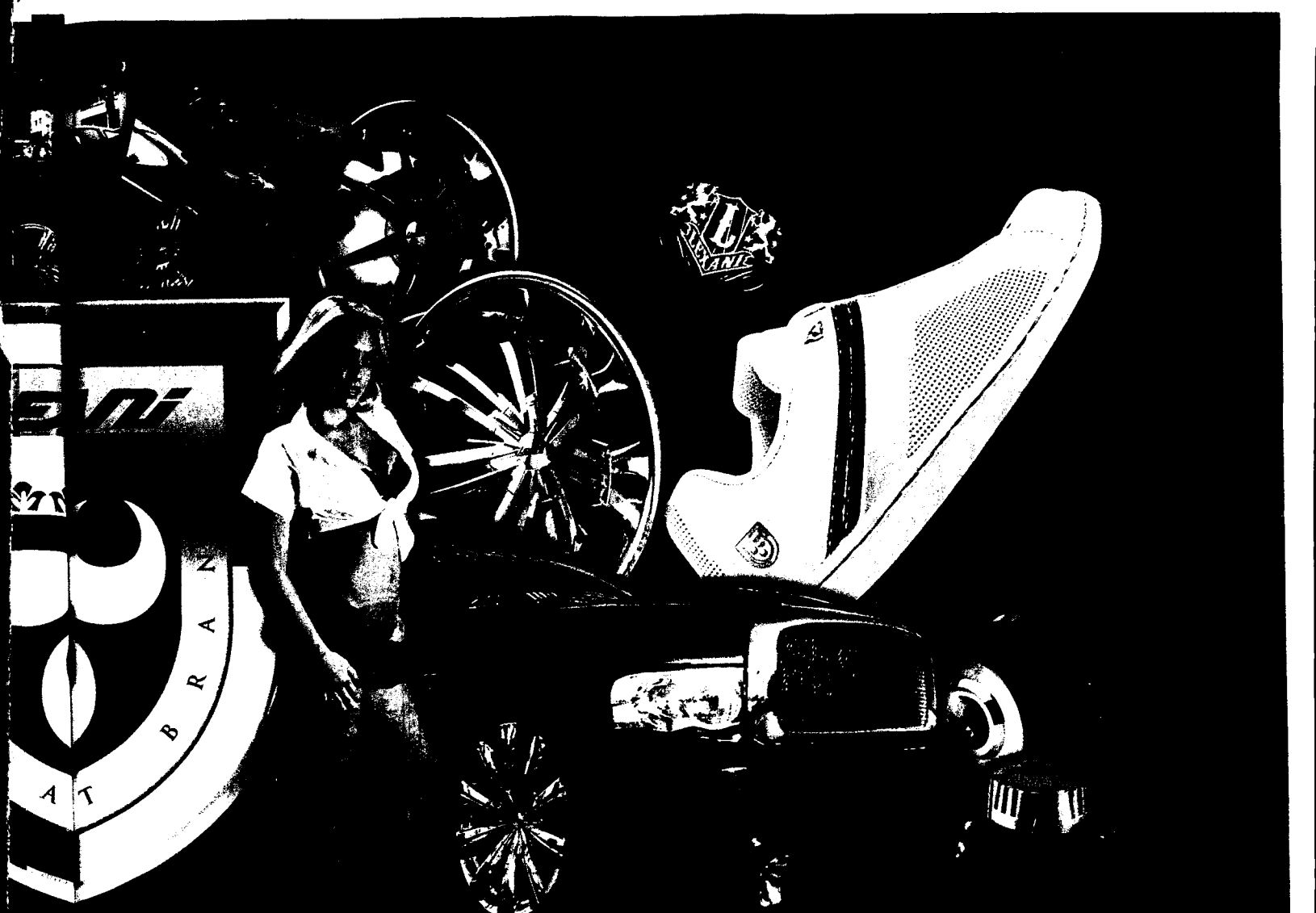


DYNASTY
FWD 18", 20" / RWD 22"



ONYX
FWD/RWD 19", 20", 22" STAGG

LEXA



MISTIK SPIKES

2"x10 FWD/RWD 18", 20", 22", 24"

DAGGER

FWD 20" RWD 22", 24", 26"

LX131 30"

HUMMER H2/RWD 28", 30"

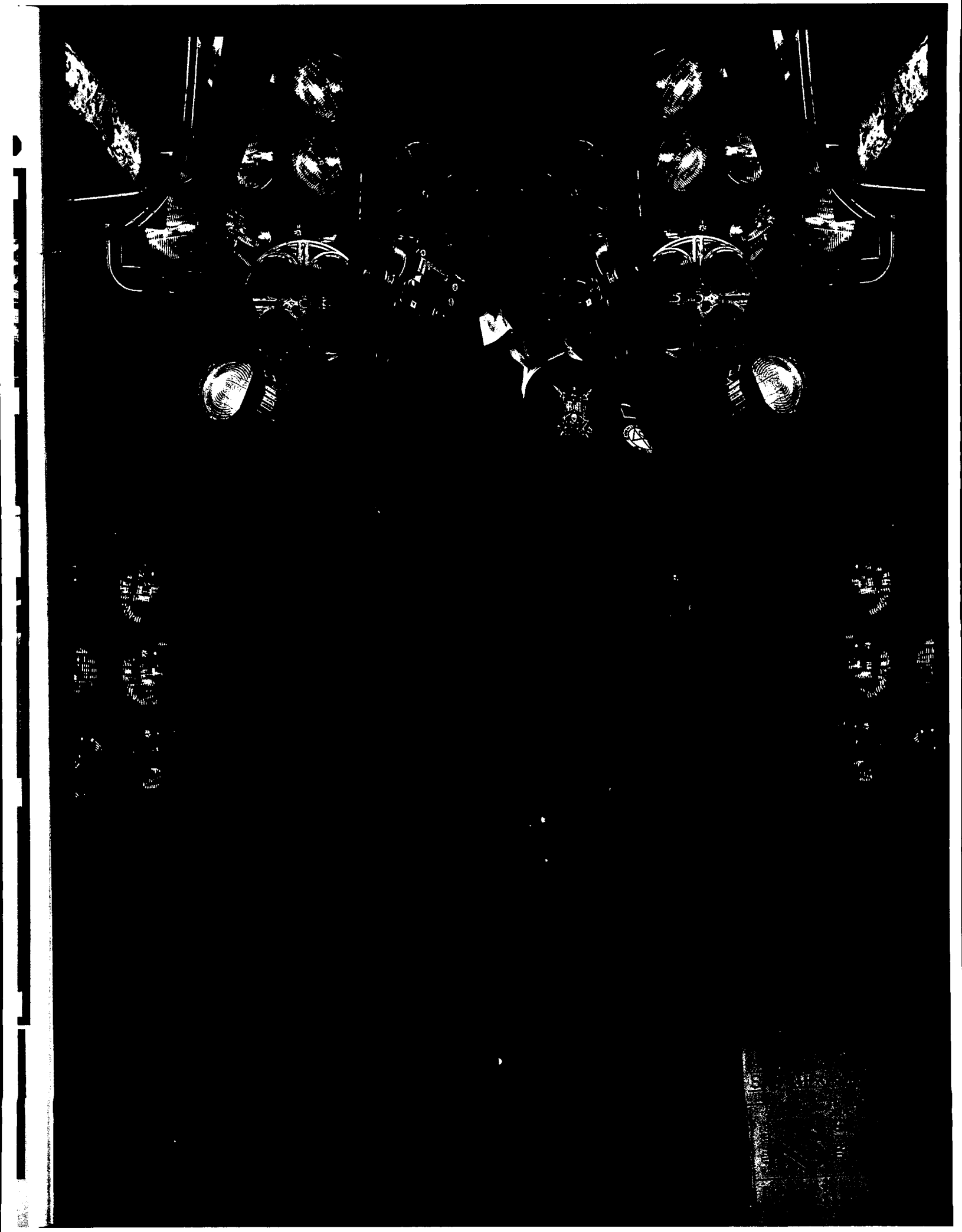
FIRESTAR PHANTOM

ERED FITM WD 17", 18", 20" / RWD 20", 22", 24", 26"

FWD/RWD 27"x9.5

MAGNUM

FWD/RWD 27"x9.5



DUB

D
20

G: DUBMAGAZINE.COM

CIARA
EGYPT
COURTNEY HANSEN
WEST COAST CUSTOMS

PLUS

WASHINGTON, D.C.
HOUSTON, TX
ST. LOUIS, MO

CHRIS

SLICK BMW 650CI & FULL TILT FORD EXPEDITION

also

CRUNK AND SNAP
WITH COLLIPARK MUSIC

GRIDIRON IRON:
THE NFL'S FINEST RIDES
PART II

DUB

CIARA

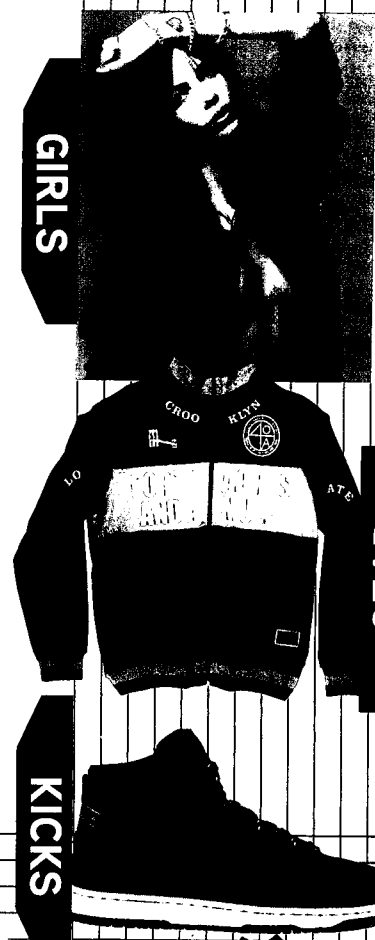
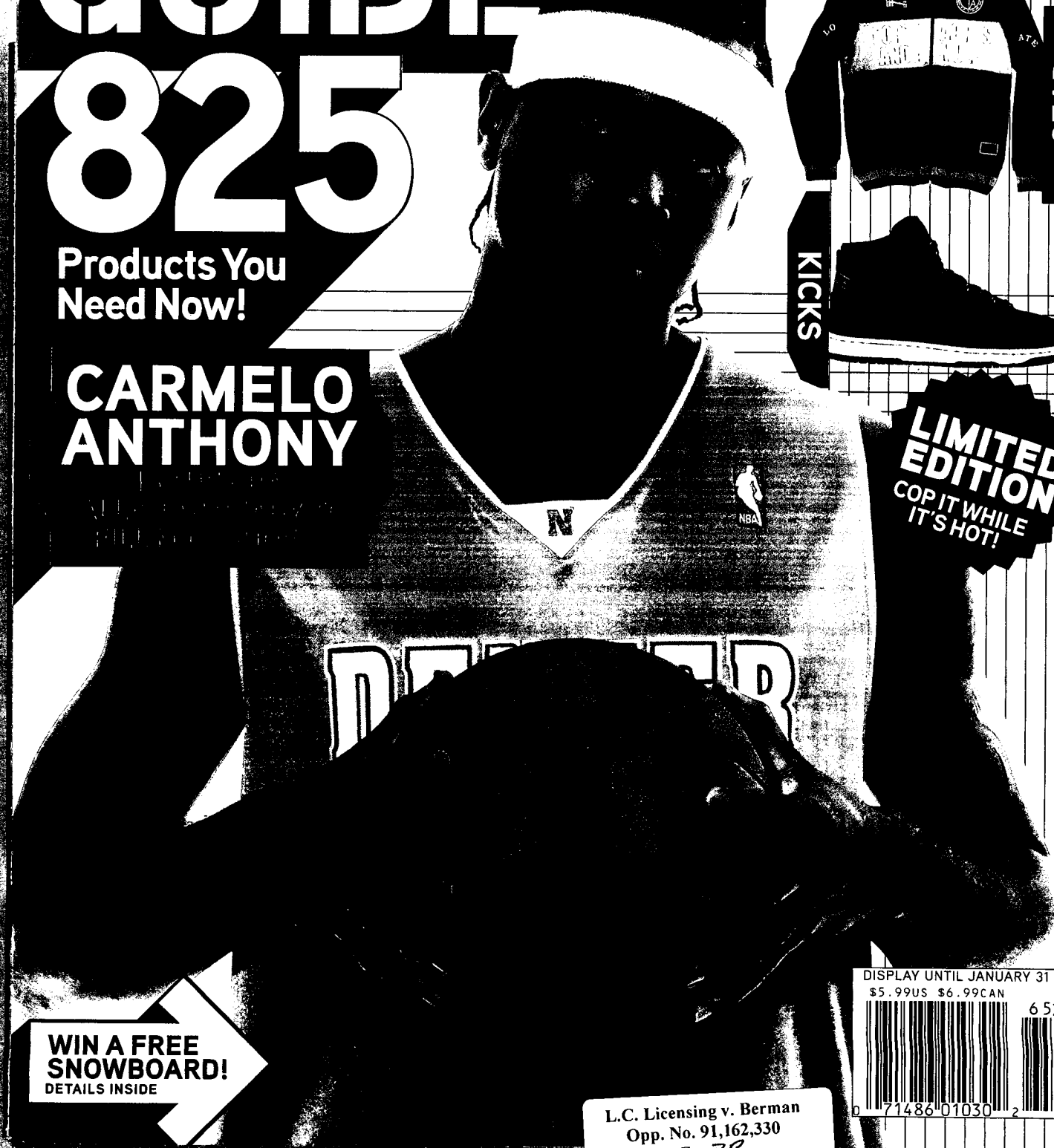
COMPILED BY BUY. COLLECT. OBSESS.

BUYER'S GUIDE

825

Products You Need Now!

CARMELO ANTHONY

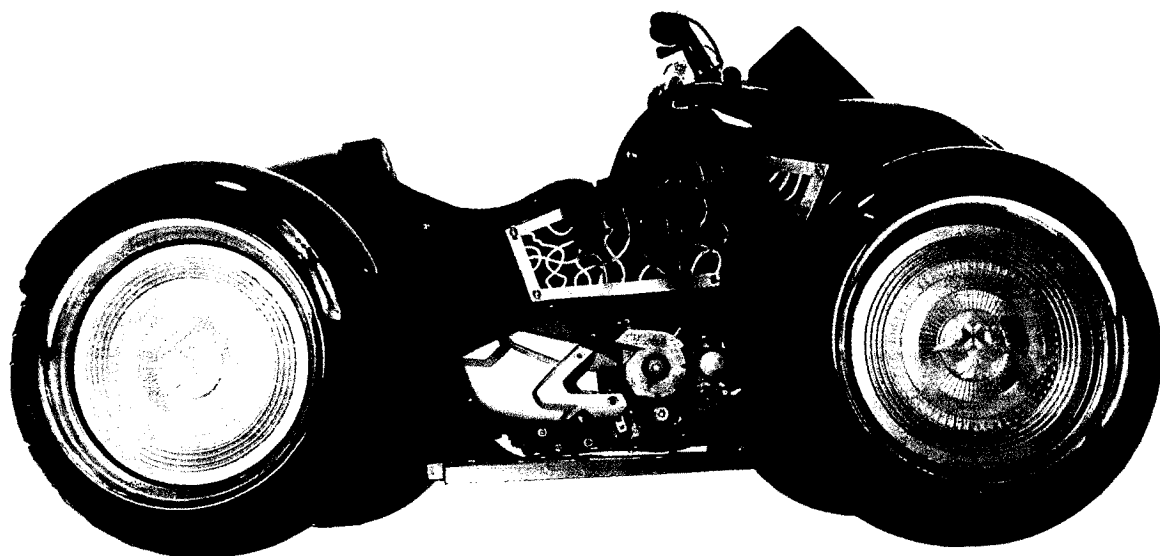


LIMITED EDITION
COP IT WHILE IT'S HOT!

WIN A FREE SNOWBOARD!
DETAILS INSIDE

L.C. Licensing v. Berman
Opp. No. 91,162,330
Opp. Ex. 33

DISPLAY UNTIL JANUARY 31
\$5.99US \$6.99CAN
65
0 71486 01030 2



K.O.A.B.

THE FACT THAT WE DID THIS, IS JUST SO FLY TO ME

THIS HANDBUILT CONCEPT VEHICLE IS THE BRANCHCHILD OF LRG, FATHERED BY A PASSION TO CREATE PRODUCTS THAT RENDER THE STATE'S OLD OBSOLETE. THE K.O.A.B. (KING OF ALL BEASTS) IS AN INCARNATION OF LRG'S CREATIVE PASSIONS, EMBODIED IN STEEL AND FOUR WHEELS. THE NAME KING OF ALL BEASTS REFERS TO ITS MONSTROUS PERFORMANCE CAPABILITIES: HEAR THE ROAR OF THE 4-STROKE V-TWIN LIQUID COOLED 800 CC BOMBARDIER ROTAX ENGINE. THE CUSTOM AIRLIFT SUSPENSION IS ABLE TO RAISE AND LOWER THE K.O.A.B. TO THE RIDER'S PREFERENCE. K.O.A.B. IS COVERED IN LUMINESCENT MATT COLOR PAINT WITH 24 KARAT GOLD FLAKE AND FOUR COATS OF CANDY GLOSS. 18 INCH LRG FIGHTER RED GOLD SPINNER RIMS AND THE HANDCRAFTED CROCODILE SEAT ARE THE CHERRY ON TOP OF THIS GROUNDBREAKING VEHICLE.

FIND OUT HOW TO BUY YOUR OWN K.O.A.B. @ 949.555.KOAB WWW.LRGKOAB.COM
A COLLABORATION PROJECT BY NEWPORT CONCEPT VEHICLES AND LRG

www.L-R-G.COM email: ph:949.581.1144 fx:949.581.0077

© L.R.G. United Research Group, and Neo began are internationally registered trademarks of United Research Group, Inc. © United Research Group 2006


choose your location: [USA](#) | [UK](#) | [Deutschland](#) | [International](#)

ICED OUT GEAR

VERY FAST DELIVERY

Specializing on orders over \$50

Call to order: 1-800-412-1234



www.icedoutgear.com

Custom Items

- [Hip Hop Chains](#)
- [Hip Hop Crosses](#)
- [Hip Hop Pendants](#)
- [Hip Hop Spinners](#)
- [LED Dog Tags](#)
- [Sterling Silver Chains](#)
- [Sterling Silver Pendants](#)

[Buckles](#)

[Watches](#)

[Pendants](#)

[Chains](#)

[Bracelets](#)

[Rings](#)

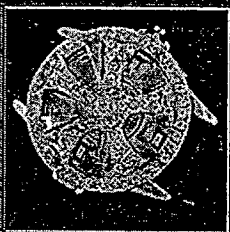
[Earrings](#)

0 Items
 Free Shipping: \$35.00 to go!


Hip Hop Spinners | Bling Bling Spinners | Iced Out Jewelry

MOST POPULAR SPINNER COMBO:


The Exclusive Spinner Combo - Only \$29.99! Click here for info



White Face Black Band Rose Gold Spinner Watch
On sale for only: \$39.99



White Face Black Band Spinner Iced Out Watch
On sale for only: \$29.99



HACKER SAFE

TESTED DAILY 14-JUN

Check Out


How To Order

Contact Us

Affiliates
We offer 15% of sales to our partners

Wholesale

myIOGspace
a place to be heard



RELIABILITY PROGRAM
BBBONLINE

Why Buy @ IOG

- 100% Guarantee
- Post & View Pics
- Testimonials
- We are LEGIT

Help & IOG Info

- Contact Us
- Order by Mail
- IOG Policies
- Tell - A - Friend
- Links/Resources
- Add Your Site
- Hip Hop News

IOG customers

- Login | Register
- Track Orders
- Wish List
- Get IOG News
- Tell - A - Friend
- Checkout

Best Sellers

Pimp Cups

LED Buckles

LED Dog Tags

Name Belts

Dog Tags

Combos

All New

Accessories

Clearance

Ballers Only

Search

Shop by Price ☐

Search Keyword / Item #

Check it

- [Name Belts](#)
- [LED Buckles](#)
- [LED Dog Tags](#)
- [Custom Pimp Cups](#)
- [Personalized Dog Tags](#)
- [IcedOut Chains](#)
- [IcedOut Crosses](#)
- [Icedout Cuff Links](#)
- [Bling Bling](#)
- [Ladies Section](#)
- [Accessories](#)
- [Money Clips](#)
- [Ladies Buckles](#)
- [Rose Gold](#)
- [Belt Buckles](#)

Shoe Spinners
Sterling Silver
Western Belt Buckles

Exclusive Offers

Name:

Email:

We Proudly Offer

Dade
JEWELRY

Happy Clients

Wassup. I just want to let ya'll know that icedoutgear.com is bomb yo. I got my iced out I.D. bracelet in black and I liked it so much, I had to get more colors. I get compliments from mad people. I'm rockin' em in Cali now and I'ma rock 'em in Philly when I go home.

[| Home](#) | [Hip Hop Watches](#) | [Bling Bracelets](#) | [Bracelets](#) | [Hip Hop Pendants / Chains](#) | [Bling Bling Rings](#) | [Iced Earrings](#) | [Custom Jewelry](#) |
[SiteMap](#) | [Rap & Hip Hop](#) | [Hip Hop Jewelry](#) | [E Jewelry Sale](#) | [Bling Bling](#) | [Grillz & Gold Teeth](#)
[Hip Hop Clothing](#) | [Urban Clothing](#) | [Spinning Rims](#) | [Pimp Cups](#) | [Custom Name Belts](#) | [G Unit Spinner](#) | [Gangster Combos](#) | [Iced Out Gear News & Updates](#)
[Akademiks](#) | [Ecko](#) | [Enyce](#) | [FUBU](#) | [Phat Farm](#) | [Rocawear](#) | [Sean John](#) | [Replica Watches](#)

© 2001-2005 Iced Out Gear. All Rights Reserved.

If you have a store, kiosk or would like to start selling name belts and hip hop jewelry check out the number one source for Wholesale Hip Hop Jewelry in the U.S.!

[More Hip Hop and Shopping Sites](#)

[Hip Hop Jewelry](#) | [Bling Bling](#)



Web Design and SEO by [Webcity Marketing](#)

Love Of Our Kind: Business and Technology



Business & Technology


[<< Back to Category](#)

LOOK Connect

[Login/Register](#) [Help](#)

Building the Enyce Empire

Cecil Cross II
Look Magazine

Choose a Site Area

Author
SourceChoose a Channel
Business and Technology

Homepage



The 9th floor suite at the W Hotel in Atlanta is nothing short of luxurious. From the complimentary DVD player, to the extravagant view overlooking the skyscrapers on the Northwest side of the city giving way to Cumberland Mall; the exquisite quarters exude prominence and prosperity. The suite was fit to house a suit-and-tie-wearing CEO of a Fortune 500 company or a music mogul with an account balance that resembles a social security number. The couch was elegant enough to rest President Bush himself.

But that's where Tony Shellman sat upright, in blue jeans and an ENYCE golf shirt with his feet kicked up on the coffee table, juggling three artificial Granny Smith apples. His shoulder-length locks swung about as he performed the act with the skill of a seasoned Universoul Circus performer. "Not exactly what you'd expect from a CEO, huh?" Shellman asked jokingly. His flawless act was disrupted by the chiming of his cell phone. Shellman sighed heavily before answering his state-of-the-art camera-phone, which seemed to ring annoyingly in two-minute intervals. But that's the life of a CEO whose company is expected to exceed \$100 million in sale in 2003. As co-founder of ENYCE Clothing, Shellman shoulders more responsibility than one could ever imagine. But you won't hear the 37-year-old entrepreneur utter a complaint. He's become what he's always wanted to be.

"Once I got to New York my goal was to learn the market and work with as many people as I could, so that one day I could start my own clothing company," Shellman said. "And here I am today."

Although Shellman's leisure consists of popping bubbly with P. Diddy, attending fashion shows with Tommy Hilfiger and teeing-it-up on golf courses in Miami with media mogul Keith Klingscales, his life hasn't always been a star-studded affair. Shellman started from ground zero, paid his dues, and worked his way to the top. Shellman grew up in Seattle, establishing a formidable work ethic at an early age. As a high-school student, he bagged groceries at a local store to make ends meet. He went from saying "paper or plastic" to literally having the paper or plastic to buy anything his heart desires, because he never lost sight of his ultimate dream. He said that he always knew he wanted to work in the fashion industry, so he did whatever it took to get his foot in the door.

While attending Seattle Community College, Shellman modeled for Nordstrom department store in his spare time. The experience eventually led to an internship which turned into a job. But Shellman knew that in order to become the next Karl Kani he would have to elevate his knowledge of the fashion industry. He landed a job at the Zebra Club, a popular brand company in Seattle, working as a buyer and store manager.

"I wasn't the smartest guy on the block as far as books," Shellman said. "But I knew that my niche was fashion. I knew that I wanted to go to a four-year school, but I wanted to go to the Harvard school of fashion, and that was Parsons School of Design in New York."

When Shellman was accepted into Parson School of Design, he was prepared to meet the challenge. Shellman said that being introduced to imaging and packaging at the Zebra Club gave him a jump on his peers.

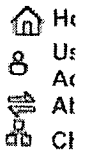
Contents: 1 | 2 | 3

Applicant 1

4/5/2005



Business & Technology



LOOK Connect

[Login/Register](#) [Help](#)

Choose a Site Area

Building the Enyce Empire

[<< Back to Categories](#)

Choose a Channel

Business and Technology

Homepage

**Author
Source**

 Cecil Cross II
Look Magazine

"They (Zebra Club) were doing it big, so by the time I got to New York, I was already educated, Shellman said. "It was weird because when I got to college they were like 'man, you're a rocket scientist'. But I had just gotten exposure earlier in the game. It was like I got to hang around with pros, so when I went to play college ball it was like, 'this is easy'. But that's because when was scrimmaging with the pros, they let me get in the game."

When Shellman was given a chance to 'get in the game', he wasn't just taking up space. He performed. As a result of his effort, the Zebra Club, which owned International News Clothing Company in New York, hooked him up with a job there. The only problem was that Shellman's former boss, who is currently his business partner, told him that he wasn't going to pay him for his services. Although Shellman's bank account was on Slim Fast, he wasn't discouraged. He realized that the opportunity was more valuable than a paycheck.

"I said 'that's o.k., just make sure that I meet all of these buyers, so I can establish a personal relationship with them'", Shellman said.

Shellman expected his experience-laden resume to boost him to the top of the company right away. But when he punched-in, he experienced a rude awakening.

"I was thinking I was going to be the lead sales guy," Shellman said. "But they were like, 'no, that's your broom over there, start sweeping'. They wouldn't even let me fold the clothes."

Shellman was a broke college student who swept the floor of a department store that wouldn't let him fold any clothes or dollar bills. In addition to Shellman's rigorous class schedule, after working at the Zebra Club by day, Shellman had to work as a bartender by night to pay his bills.

"I could've just bartended at night, made mad loot, and took two or three classes a day," Shellman said. "But I worked in the showroom because I needed that experience."

Shellman's persistence eventually led to his promotion. After two years at Parson's School of Design, Shellman went from sweeping up dusty price tags at International News Clothing Company to traveling to Las Vegas with the sales staff to sale accounts.

Shellman used his extensive knowledge of the fashion industry to co-found Mecca USA, an urban clothesline. Mecca USA took the industry by storm, growing from \$12 million in sales in its first year to \$25 million by its second year. As Shellman's company grew, so did his notoriety. Before long, larger clothing companies began to take notice of Shellman's creativity.

"With those kind of numbers people were like, 'what the hell are they doing?'" Shellman said.

The Mecca USA brand gained popularity with the hurry-upness. In fact, Shellman said that his partners wanted to put the brand on golf hats and lampshades.

Shellman disagreed with the direction his partners wanted to steer the company, so he split. He decided to bounce before he'd landed a job with another company. In essence, Shellman left a million dollar company that he helped start, for the unemployment line. But he never regretted his decision.

[Contents: 1 | 2 | 3](#)



Business & Technology



LOOK Connect

[Login/Register](#) [Help](#)

Choose a Site Area

Building the Enyce Empire

[<< Back to Category](#)

Choose a Channel

Business and Technology

[Homepage](#)**Author
Source**Cecil Cross II
Look Magazine

"You've got to wear your own shoes," Shellman said. "Do you. If you don't believe in you, how will anyone else?"

Shellman's self-confidence led to more prosperous opportunities. Shortly after leaving Mecca USA, he found himself sitting in a chair outside of an office full of white men who owned the FIL Clothing Company. Shellman said that most of them walked by him on their way inside, assuming he was an intern. But they had no idea he was really the CEO of the company they would soon fund.

"When I walked in they were like 'who's he?'," Shellman said. "Now it's a whole different story."

Although he wouldn't disclose the terms of the deal, Shellman said that FILA made him an offer to start a new brand that he couldn't refuse.

"It was bananas," Shellman said.

Shellman didn't waste any time starting ENYCE, a sportswear company geared toward 14 to 34-year-olds. He said that the name ENYCE originated from a bet. While chilling with a group of friends, someone bet Shellman that he couldn't copyright the abbreviation NYC. After brainstorming, Shellman won the bet by wisely deciding to place an E on the front and end of the NYC. What started off as a bet amongst friends has since morphed into ENYCE - a \$100 million company.

"You've got to set small goals to do what it takes to reach your bigger goal," Shellman said. "You have to set a timeline and keep it aligned with your goals."

In spite of Shellman's success, he hasn't lost sight of where he came from. He relaxed on the couch in his suite at the W Hotel, holding his phone close to ear, discussing whether to purchase a silver or black Porsche. But he wasn't eating Grey Poupon. He was getting his locks re-twisted watching the hood classic "South Central" on DVD.

Although the digits in Shellman's bank account have changed, his plan to succeed has remained the same.

"If you don't know where you're going, how are you to get there,?" Shellman asked.

Contents: [1](#) | [2](#) | [3](#)

Attachments



0 Comments |

[Add a Comment](#)[Post a quick comment](#)